United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/214
12 February 1991

COMMISSION CONTINUES DEBATE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, RIGHT TO DEVELOPMENT, HUMAN RIGHTS INSTRUMENTS

GENEVA, 11 February (UN Information Service) -- The Commission on Human Rights today continued its debate on the realization in all countries of the economic, social and cultural rights; the right to development; the status of the International Covenants on Human Rights; and the effective functioning of the bodies established pursuant to United Nations human rights instruments.

Taking part in the debate were the representatives of Czechoslovakia, Australia, Brazil, the Ukraine, Pakistan, Mexico, Ethiopia, Madagascar, Portugal, Cyprus, Belgium, Iraq, Mauritania, Zambia, Sweden, Colombia, Italy, Peru, Ghana, Yugoslavia, the Philippines, Portugal, Austria, Byelorussia, Rwanda, New Zealand and the Netherlands.

The representative of Yugoslavia spoke in exercise of the right of reply.

The following non-governmental organizations also spoke: the International Confederation of Free Trade Unions; the International Association against Torture; Service, Justice and Peace; the International Federation of Rural Adult Catholic Movements; the Minority Rights Group; and the International Organization for the Elimination of All Forms of Racial Discrimination.

Statements in Debate

GUY RYDER, of the International Confederation of Free Trade Unions, said he welcomed the Commission's recognition of popular participation as an important factor in the attainment of economic, social and cultural rights. The 1986 Declaration illustrated that development was a complex, multi-faceted process; it could not be reduced to the achievement of overall economic growth, but was composed also of social and cultural factors. The legacy inherited by the new democracies of Central and Eastern Europe was the most persuasive evidence of the disastrous consequences for economic and social progress of systems in which unrepresentative elites monopolized all decision-making powers and denied the most basic rights of expression and participation to the mass of the population.

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It was because of the Confederation's recognition of the interdependence of economic, social, cultural and other human rights that it had strongly supported the inclusion of a social clause in the General Agreement on Tariffs and Trade (GATT) that would make trading privileges dependent on respect for basic workers' rights, he said. Those who did not yet support that idea should reconsider their position.

VIOLA PLUMER, of the International Association against Torture, said all the remedies suggested to resolve the problems of foreign debt were either against the interests of the people concerned or were insufficient. There was no solution if the same economic mechanism was maintained. Although the Commission met every year to discuss and evaluate human rights conventions, covenants and resolutions, it was farther from its objectives. The fault lay not in those instruments or resolutions, inasmuch as resolution 678 (1990) [which authorized Member States to "use all necessary means to uphold and implement" its previous resolutions on the invasion and occupation of Kuwait by Iraq] was proof that what counted was the interests of the dominant Powers. In a matter of months, a resolution which was contrary to the principles on which the United Nations was founded, was adopted and had resulted in a destructive war in the Persian Gulf. The billions of dollars being spent in that war could have contributed to the economic development of the nations of the South.

To solve the problem of the foreign debt, she said, the world must struggle for a new international economic order that would end arbitrary actions in the economic relations between developed and developing countries, and end the deterioration in international trade. In the United States, evidence pointed to the structural defects inherent in capitalist modes of production and distribution. The basic right to self-determination -- the essence of the right to development -- was denied to a major segment of the population.

NELSA CURBELLO, of Service, Justice and Peace, said it was erroneous to call third world countries "developing"; they were, in fact, underdeveloped. There was an unrelenting exploitation of resources without much regard to the future. The amount of coal exploited in the last 30 years equalled the total exploited in the previous 800 years. The case with oil was similar, and those resources were nonrenewable. The debt crisis was ruining the economies of many third-world countries, especially in Latin America. Between 1982 and 1989, the Latin American countries transferred $203 billion to the developed world in debt repayments. The 1980s were, in effect, a lost decade for development.

The arms business was an immoral trade which knew neither friends nor enemies. Every nation had the right to development, and the United Nations must do all in its power to foster that right. Yet, war had proven to be a destroyer of human rights. It also destroyed infrastructure, which took years to build, such as bridges, roads and houses. The cost of the war in the Gulf was enormous; if spent differently, it could have been used to free millions of dollars for the world's hungry.

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BLAISE FAURE, of the International Federation of Rural Adult Catholic Movements, said each rural family should have enough income to allow a decent living standard and should be allowed to live in dignity. The land was being used for speculative ends. Abuse of chemicals and other misuse of the land had grave consequences, often leading farmers to abandon their homelands. The Federation hoped the situation would improve as a result of seminars on farmers' issues. The Commission should not lose sight of the relationship between the work and plight of farmers and that of the greater aims of human rights movements.

ANNE CHRISTINE BLOCH, of the Minority Rights Group, said the right to development constituted an immense challenge to the Sahel in Africa -- the poorest group of neighbouring States in the world. By most indicators, the Sahelian States were at the bottom of the scale: with the lowest national incomes per capita, the lowest life expectancy, the lowest enrolment levels in primary schools, negative or static growth rates, the lowest level of manufacturing and industry and exceptionally meagre natural resources.

Media coverage of the famine in the region had given an impression of hopelessness and of need for external aid, she said. The Sahel did not lack aid; the aid received so far had not been in the form of development assistance for local communities. The Minority Rights Group showed in its Sahel report how externally imposed aid or centrally imposed development could impoverish and damage a society. It showed that the participation and empowerment of the people in all developmental programmes -- from conception to completion -- was essential to combat poverty and environmental degradation.

JEROME JACKSON, of the International Organization for the Elimination of all Forms of Racial Discrimination, speaking on behalf of the Navajo and Hopi nations, of the communities of Black Mesa and Forest Lake in north-east Arizona, said those people were threatened by the continued expansion of a coal strip mine by the Peabody Coal Company. The original leases signed by the tribal governments, with the United States Government's approval, did not represent the traditional peoples affected by the scope of the operation. Both tribal groups, in approving the original contract, were ignorant of the massive and destructive social and environmental impact being seen today.

Many human rights issues were involved, he said; among them, the environmental, economic, social and cultural rights of the people affected. The Commission should examine the relationship between the expanding strip mining in the area and the United States' policy of enforced relocation. Indications were that increased mining would take place; more people would be displaced; and the quality of the land, water and air would continue to deteriorate.

ZDINEK PAGAC (Czechoslovakia) said experience had shown that the priority given to so-called collective rights could easily lead to a virtual suppression of individual rights and fundamental freedoms. There was widespread belief that as long as economic and social rights were guaranteed, people were satisfied and, perhaps, even happy. That was false. Czechoslovakia implemented the whole range of human rights -- civil and

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political, as well as economic, social and cultural. Important changes had occurred in Czech legislation in the past year; international standards of human rights were being fully implemented.

In spite of the difficulties of the transition towards a market economy, constant attention was paid to living conditions and social security issues. One of the most complex and difficult issues was the interrelation between human rights and development. In order to ensure conditions for development, a lasting peace and the rejection of all forms of foreign occupation and colonialism were inevitable prerequisites. The Declaration on the Right to Development grew out of the fact that the human person was the central objective of development, and every individual should have the opportunity to participate in it.

DAVID STUART (Australia) said his country would welcome the ratification by China and the United States of the International Covenants on Human Rights. Those two countries, which enjoyed the power and the status of permanent members of the Security Council, had not yet accepted accountability under the most fundamental human rights instruments adopted by the General Assembly 25 years ago. The human rights treaties and their monitoring bodies should be regarded as a system. For this system to function effectively, coherence, internal consistency and complementarity of its constituent parts were required.

A basic concern was to ensure that there were adequate resources for the treaty bodies, he said. That concern had not changed since 1987, when Australia had advocated State-party funding for the treaty bodies; but that experiment had failed. The Secretary-General should examine how the financial aspect of regularizing the situation could be dealt with, and advise, from the legal viewpoint, on the measures required to amend the financial provisions of relevant treaties.

RUBENS RICUPERO (Brazil) said the issue of individual versus collective rights had been blown out of proportion. The point was not so much defining the ontological status of the subject of human rights as it was defining ways and means to ensure the realization of the right of human beings to development. In Latin America, including Brazil, the trend towards the consolidation of democratic institutions was well established. The countries of the region, as well as developing countries in other parts of the world, had learned that the political process was not unrelated to the economic environment in which it took place. This link between politics and economics was not a simple one; it involved many-sided aspects and would not be oversimplified into mechanical schemes of cause-effect relations.

VALERI KOUTCHINSKI (Ukraine) said treaties dealing with international covenants should be strengthened and more nations should sign and ratify them. Conventions, such as the one against torture, and the Declaration on the Right to Development, were important. The Ukraine had ratified the Convention on the Rights of the Child, and a centre of legal affairs had been established to increase the legal knowledge of citizens. Since 16 July 1990, the Ukraine had had the sovereignty to establish the legal foundation for a

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multi-party State and to guarantee the rights of believers and religious associations.

Social and economic development should never be pursued at the expense of civil and political rights, he said, although issues of unemployment, poverty, homelessness, racism, torture and terrorism remained real problems and efforts would have to be intensified to eliminate them. He praised the business-like approach of this session of the Commission and hoped this constructive spirit would permit greater achievements.

SYED M. ZAFAR (Pakistan) said the General Assembly's Declaration on the Right to Development, of December 1986, recognized the need for conditions favourable to the development of peoples and individuals. The international community had the responsibility to create a new international economic order, without which abstract human rights had little meaning. Development and economic well-being were essential to human rights; in today's world, they were prerequisites for establishing the total package of human rights. When suffering the pangs of hunger, ideology, religion and conscience, all retreated into the background. Inequality in development not only affected adults, its primary victims were children. According to the United Nations Children's Fund (UNICEF), more than 14 million children below the age of five died each year in the developing countries.

CLAUDE HELLER (Mexico) said there was a link between individual rights and fundamental liberties on the one hand, and the right of peoples to determination on the other. During the last decade, the gap between developed and developing nations had widened, threatening democratic institutions. The return to a war economy and the reorientation of economic assistance could generate new imbalances and risked relegating to the background issues of fundamental interest to the developing world. The effort to establish a new order based on international law should be mirrored in the area of economic relations. The 1986 Declaration offered a real perspective for development. For this to take place, a more equitable economic environment was indispensable.

KONGIT SINEGIORGIS (Ethiopia) said that while the role of sound domestic policies in economic growth could not be minimized, it was undeniable that in an increasingly interdependent world, the international environment also had a significant impact. The right to development was an expression of human yearning to be set free from want. It represented the aspirations of the vulnerable billions that had fallen victims to hunger, disease, illiteracy and environmental degradation. While recognizing the progress made during the last four decades in terms of the struggle for the respect of human rights, one could not be oblivious of the fact that this effort remained incomplete. In a world growing increasingly divided between the affluent and the poor, the time had come to renew the commitment both to the individual and society through determined efforts to bring to the forefront those categories of rights so far denied.

NORBERT RATSIRAHONANA (Madagascar) said the right to development was a human right. It was not only an individual right, but a collective right as

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well, involving groups and peoples. The right to development implied the right to participate in the decision-making process, and equal access to resources and to the fruits of development. One set of rights should never be implemented to the detriment of another. Development could not be measured exclusively in terms of production or growth, but also in terms of human dignity. The human being had to be the central theme of development.

It was on this fundamental principle that many countries had adopted a policy of liberalization, both economically and politically, with the aim of ensuring the active participation of individuals and groups in the development process. This policy had been translated into a reinforced recognition of pluralism and the virtue of private initiative. Poverty was the source of much conflict and instability. For the third world, the major problem was the drop in the price of basic commodities, which resulted in decreased export earnings. Only in a spirit of international solidarity would those obstacles be eliminated and the right to development realized.

MARTA SANTOS PAIS (Portugal) said that in the field of economic, social and cultural rights, there was a growing interaction between the development of principles and their practical application. The Committee on the Economic, Social and Cultural Rights had played an important role in that effort. Indicators to measure the realization of economic, social and cultural rights could contribute to universally accepted mechanisms. Indicators could allow comparative consideration of countries or regions, and measure the effectiveness of international co-operation and technical assistance, making it possible to design a global plan.

GEORGE ZODIATES (Cyprus) said that despite the increase in numbers of contracting parties to the International Covenants on Human Rights, their universality had not yet been achieved. But if universality was important for the promotion of universal respect for human rights and fundamental freedoms, so too was the full implementation of those Covenants by States parties. Although Cyprus was a member of the main human rights bodies, it was still prevented from fulfilling its obligations to protect the human rights of all its inhabitants due to the foreign occupation of part of its territory. It was the duty of the Commission to ensure that any solution to regional problems was in consonance with the rights enumerated in the International Covenants.

PAUL RIETJENS (Belgium) said people in need and who could not rely on the State for help were not really free; neither was the State which concentrated all its efforts on satisfying the essentials of life without allowing freedom for political, spiritual and cultural aspirations. An equilibrium must be found for the respect of all fundamental rights, whether economic, social, and cultural, civil and political. The first responsibility in respecting human rights lay with the State vis-à-vis its citizens. The State was responsible for the distribution of resources, for allowing its citizens to freely participate in the economic and social life of the country. Inadequate economic development should not be invoked as a pretext for the non-respect of citizens' rights. A more equitable distribution of wealth must constitute a priority of the State. There must be an inextricable link between democratic

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progress and development; both must proceed together and reinforce each other.

SAMI OBAID (Iraq) said his country was engaged in realizing the right to development while giving equal priority to economic and political rights. The inequality of development between the countries of the North and the South persisted. Despite that inequality, the developed countries were engaged in striking at the economic structure of a developing country through aggression. That neo-colonial aggression aimed at the destruction of the development achieved by the people of Iraq through the domination of its own wealth. The United States, the United Kingdom, France and Italy had pursued their looting of the resources and wealth through colonialist aggression. The aggressors had attacked museums, milk factories, hospitals, roads, and civil residential quarters; they had not even spared the nomads in the desert. "International legitimacy" was a pretext to destroy Iraq's achievements.

MOHAMED S.O.M. LEMINE (Mauritania) stated that while the idea of human rights was deeply entrenched in the history of mankind, yet issues, such as the debt crisis and extreme poverty, threatened to compromise all attempts at implementing human rights. In many countries, the reality of illness, famine, drought and malnutrition had rendered civil and political rights meaningless. Despite the remarkable progress made in science and technology, and the resources available, most of the world's population lived in misery and degrading conditions.

Development, he said, would permit the enjoyment of economic, social and cultural, civil and political rights. One could not speak of real development if people did not actively participate in its benefits. At the national level, all States would have to create the conditions necessary so that their citizens could freely participate in the development process. At the international level, States would have to make profound changes to allow the birth of a new international economic order, which was just and equitable.

ISAIAH CHABALA (Zambia) said political and civil rights could be exercised effectively only under conditions of economic, social and cultural security. Conversely, the granting of economic, social and cultural rights was meaningless if political and civil rights did not ensure freedom through security and knowledge. Existence "at a reduced rate", as had occurred in some industrialized countries, did not provide material security or ensure human dignity. In spite of the progress achieved, much remained to be done to realize economic, social and cultural rights. Effective action in that field had been constrained by ideological differences and sharp disagreements about the legitimate scope of human rights. He hoped the end of the cold war would minimize the effect of the individualist versus collectivist debate over the legitimacy and priority of human rights.

ANDERS RONQUIST (Sweden) said it was generally recognized that all human rights and fundamental freedoms were indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or

excuse States from the promotion and protection of the other rights. It had sometimes been argued that it was less important to adhere to the Covenants than to respect their provisions in practice. It was not a question of either/or. States should both respect and implement the human rights standards at the national level and make their commitment to human rights an international treaty obligation. The right of the individual to have recourse, at the international level, to effective remedies against any violation of human rights was also important. States should therefore be encouraged to recognize the individual complaints procedure to the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights. The Second Optional Protocol aimed at the abolition of the death penalty; Sweden had been the second State to ratify that instrument.

LIGIA GALVIS (Colombia) said equal opportunity for all was indispensable to the realization of economic, social and cultural rights. What contributed most to this condition were the international economic structure and the political order. In the developed countries, economic, social and cultural rights had been realized to a greater extent. The level of development was a determining factor in the realization of all human rights. The relationship between development and the degree to which human rights were realized was clear in Latin America. The countries of the region had started the last decade of the twentieth century faced with the challenge of finding a model of development that would allow them to overcome the crisis of the 1980s, while at the same time responding to expectations in the social sphere.

According to the Economic Commission for Latin America and the Caribbean (ECLAC), he said, the result of the measures Latin American countries took to overcome their problems would depend, among other things, on their capacity to re-establish their macro-economic balance. However, there were also external factors at play that could determine the success or failure of those measures, such as the opening up of international markets and the cost of the foreign debt. The international community must create the possibilities for the full enjoyment of all human rights. The first step towards acceptance of that responsibility would be to recognize the right to development as a human right for individuals, groups and countries. He regretted that the Commission had not taken more decisive measures to define the essential characteristics and the applicability of that right.

FRANCESCO MEZZALAMA (Italy) said that although all human rights were interrelated -- an approach shared by the international community -- it seemed that more stress had been placed on efforts to realize civil and political rights than economic, social and cultural rights. Perhaps that was partly because the former must be globally and immediately applied while the latter were progressively achieved, being proportionate to the resources available in a certain country. The "humanization" of political life had made even more striking the "dehumanization" of social and economic life. It was not acceptable that more democracy be coupled with less economic and social development. The most comprehensive way to determine States' compliance with international human rights obligations was the periodic reporting to ad hoc bodies. The reporting system had been facing serious problems. The reasons

for this crisis varied: the ever-increasing number of States that became parties to international treaties, the increase in the number of human rights instruments and the seemingly inevitable process of duplication of reporting.

JAIME STIGLICH (Peru) said civil and political rights should not be considered as the only legitimate rights. Although Governments were not expected to furnish everything an individual might demand without working, everyone should be able to work and enjoy a decent standard of living. Social and cultural rights and civil and political rights could be differentiated in terms of money: the latter did not cost anything. States did not do everything they could to provide services for their citizens; that was partly due to external conditions. Countries which could, should act to ease those conditions.

KOJO AMOO-GOTTFRIED (Ghana) observed that one of the major preoccupations of the United Nations since its inception had been the creation of conditions throughout the world which were conducive to the realization of greater respect for human rights. Ghana believed that achieving respect for human rights was conditional upon the realization of the right to development. The international community shared the view that all human rights and fundamental freedoms were indivisible and interdependent. Many developing countries remained caught up in an international economic system which suffered from a structural disequilibrium. This had resulted in slow growth, a downward trend in commodity prices, a decline in net export earnings and a deterioration in their terms of trade. This unsatisfactory situation was a challenge to the international community to reform the international economic order which had not only been unjust but also hostile to developing countries.

MIRJANA RADIC (Yugoslavia) said changes in contemporary international relations had created an atmosphere of greater co-operation and dialogue and increased awareness of the interdependence between States and peoples. This had opened new opportunities and raised hopes for a better life on the eve of the twenty-first century. The universal value of human rights had been reaffirmed. The desire of every human being to live in a better world, with constant improvement of the well-being and the quality of life of all individuals and peoples, was embodied in the concept of the right to development. However, one could not talk about human rights and ignore the fact that part of mankind was plagued by a serious debt crisis, monetary instability, unemployment and growing poverty. Those conditions bred disruption, political instability, tension and frustrations and stalled the efforts of developing countries to start their economic recovery and create conditions in which human rights and democracy could be fully enjoyed. Concerning the realization of economic, social and cultural rights, she said that with the progress report submitted, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had made another valuable contribution to the work of the Commission.

PURIFICACION V. QUISUMBING (Philippines) said the international community should hold Governments accountable for their human rights performance. Through the efforts of the United Nations and affiliated bodies, the right to development had gained international legitimacy and broad support. It was encouraging that international institutions had increasingly integrated the

human rights component into their development programmes and projects. It was, however, said that in spite of heightened awareness and a commitment to address individual right to development, more than two thirds of the world's population remained destitute. The plight of those peoples -- the landless, those without material assets and other groups long bypassed by development -- assaulted the conscience but, at the same time, challenged the resolve and ingenuity. She looked forward to the day when the billions of dollars spent in producing lethal weapons could be spent on feeding the hungry, sheltering the homeless and curing the sick. Surely that day would have to come -- if humankind was to survive.

MARTA SANTOS PAIS (Portugal) said she supported the principle of financing human rights treaty bodies through the general budget of the United Nations. Portugal would also like to see the publication of a manual to aid States in the preparation of reports to those bodies. Training programmes organized by the Centre for Human Rights should complement such a manual. The activities of the treaty bodies and the reports submitted to them should be collected and centralized, thereby permitting greater harmonization and complementarity. This information should also be made available to the public. In order to strengthen the dialogue among the different treaty bodies, or committees, and States parties, it would be necessary to strengthen their information network, as had been done by the Committee on Economic, Social and Cultural Rights in establishing a documentation room in the Centre for Human Rights.

FLORIAN KRENKEL (Austria) said the right to development could be considered to be a human right, but the international community was still faced with differences regarding its definition and substance. Solutions to this complex problem could be found by concentrating first on evaluating the context of the right to development and defining its various components. The Human Development Report 1990, published by the United Nations Development Programme (UNDP), showed the existence of a direct link between human rights, democracy and sustainable development. In other words, the achievement of development required the implementation of all human rights, in a balanced approach and without any pre-conditions.

The right to development had to be seen in a broader perspective of a responsibility of mankind to resolve economic and social inequities, strengthen international co-operation and facilitate the establishment of a balanced, equitable and just world order. The search for criteria to measure the realization of this right required the elaboration of a system of indicators. The dialogue undertaken with the Special Rapporteur of the Sub-Commission, Danilo Turk, concerning the realization of economic, social and cultural rights, and his progress report, had contributed to a greater understanding of the issue.

STANISLAV OGURTSOV (Byelorussia) said that the need to recognize the interdependence of, and respect for, human values had been increasing in recent years. Global conflicts should be solved through common approaches. One important indicator was missing from the report of Mr. Turk on indicators in the field of economic, cultural and social progress. That was the environment. Byelorussia had suffered greatly from the Chernobyl accident. There had been a sharp increase in the pollution of the environment. Children

and the elderly had been the first victims of the accident. Moreover, psychological tension in the region was growing. His country was engaged in social protection through legislative measures. The country needed international co-operation to tackle the problems which also affected the economy of the region.

BONAVENTURE MBARUSHIMANA (Rwanda) said his country's Constitution was inspired by the principles enunciated in the Universal Declaration of Human Rights. Those same principles had progressively found their application in various Rwandan legislative texts, such as the legal code, codes of procedure and civil codes. Civil and political rights could not be realized in conditions of hunger, malnutrition, lack of health care and inadequate housing. The Government was fully aware of the incompatibility of poverty with human rights and was dedicated to promoting economic development aimed at self-sufficiency in food and adequate health care for all. The developmental drive had unfortunately not yielded the desired result for various reasons, not the least of which was the world economic crisis, which had adversely affected Rwanda. It was time to put into place a new international economic order which would guarantee stable prices for basic commodities, greater flexibility with regard to the debt crisis and greater international co-operation.

CAROLINE BILKEY (New Zealand) said the Commission was meeting at a time when the fundamental principles enshrined in the Universal Declaration of Human Rights and elaborated in the International Covenants were being flouted and ignored by one of its members. The systematic violation of human rights carried out by Iraq -- a party to the Covenant on Civil and Political Rights -- was an outrage. She urged Iraq to honour the solemn obligations it had undertaken to protect human rights in becoming a party to the Covenant. Iraq had the obligation to observe the international humanitarian instruments, in particular the Third Geneva Convention. Flagrant violations such as had been committed by Iraq should strengthen the determination of the international community and of the Commission to achieve the goal of universal respect for the Covenant. Adherence should be accompanied by a serious commitment to observe the Covenant's provisions. Greater social justice could only be achieved by Governments striving to ensure the full enjoyment of civil and political rights for all their citizens as well as a more equitable enjoyment of economic, social and cultural rights.

LIESBETH TEEKAMP (Netherlands) said a number of reports -- the progress report by Professor Turk on social and economic indicators, the Human Development Report and the report on the Global Consultation on the Right to Development, as well as the general comment on article 22 of the Covenant on Economic, Social and Cultural Rights by the monitoring Committee -- set out a framework for further action. The Turk study traced the path for further co-ordination with respect to developing and assessing indicators in achieving economic, social and cultural rights. One conclusion, in particular, from the report of the Global Consultation had drawn her delegation's attention: that democracy was an essential element in the realization of the right to

development. Respect for civil and political rights was also an important factor for economic and social development and, as such, should be an objective of development activities.

Right of Reply

OLGA SPASIS (Yugoslavia), replying to the statement by the representative of the International Federation for Human Rights, said that organization had used yet another opportunity to advance the position of the Albanian separatist and terrorist movement. Yugoslavia was a multinational community comprising Slovenians, Croatians, Muslims, Serbs, Macedonians, Montenegrins, Hungarians, Albanians, Romanians, Turks and others. There was no form of discrimination on a national or any other basis. Yugoslavia was a multi-party society and a State under the rule of law. Political activity was free -- the number of political parties numbered in the three figures -- and the law did not envisage the verbal violation of law.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/215
12 February 1991

HUMAN RIGHTS COMMISSION CONTINUES DEBATE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, RIGHT TO DEVELOPMENT

GENEVA, 12 February (UN Information Service) -- The Commission on Human Rights this morning continued consideration of the question of the realization of economic, social and cultural rights, the right to development, the status of the International Covenants on Human Rights and the functioning of the human rights treaty bodies.

Participating in this morning's debate were the representatives of Cuba, Argentina, Nigeria, Morocco, Finland, the United Kingdom, Tunisia and the Sudan. In addition, statements were made by the representatives of Pax Romana, the Union of Arab Jurists, the Andean Commission of Jurists and the World Union for Progressive Judaism.

The Democratic People's Republic of Korea exercised its right of reply.

Statements Made

RAUL ROA KOURI (Cuba) said individual civil liberties could never be granted to the exclusion of economic, social and cultural rights. They went together and were equally important. It was curious that certain countries adhered to the philosophy that any attempt by the world's poor to claim their right to economic development amounted to dangerous incitement. There was a gulf separating theoretical and actual enjoyment of human rights; some countries adhered to the theory, others to the reality. There was a certain country which claimed to be the bastion of democracy, but which in reality elected its President by a non-representative minority of some 30 per cent of the electorate. Its original population was virtually confined to concentration camps, and its ethnic minorities were virtual outcasts. The right to an education, health care, housing and a job were not guaranteed. And there was a certain country which claimed to be democratic, yet had imposed for the past 30 years an economic boycott on its small neighbour. That same country had stripped another neighbour of some 40 per cent of its territory.

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The 1980s, he went on to say, had been a lost decade for development; the 1990s were not much better. There was the continued negative transfer of resources, investments were slow in evolving and there was a permanent quasi-stagnation of the economies of Latin America. There was more than ever an urgent need to give developing countries the right to develop.

ZELMIRA REGAZZOLI (Argentina) stressed that exercise of the inalienable right to develop was impeded by economic hardship in the developing countries. Human development would provide greater opportunity in education and health. It would also entail respect for the individual's political and civil rights. The right to development was seriously curtailed by the foreign debt, as enormous amounts of money were being spent to service it. The protectionist policies of the developed nations with respect to raw materials was another obstacle. Despite all those problems, the aspirations to realize all rights by the people had been unaffected.

E.A. AZIKIWE (Nigeria) said the right to development was fundamental and inalienable, and it was indispensable for the full realization and enjoyment of all human rights. The denial of fundamental human rights not only endangered development, but could reverse its gains. The level of co-operation among States had been unsatisfactory, and the absence of the full enjoyment of economic, social and cultural rights was partly explained by the low levels of international economic co-operation. Current international development policy was largely concerned with growth and efficiency in the context of the free-market model of development.

The debt burden and its disastrous consequences, he continued, constituted one of the most serious barriers to development. However, little emphasis had been placed on the people's participation in social transformation. That was compounded by the negative transfer of resources as a result of debt-service obligations. There should be realistic consideration of proposals to deal with the debt crisis, such as debt conversion, easier terms of payment and even cancellation in the worst cases.

EL GHALI BENHIMA (Morocco) said the optimism of last year regarding international economic co-operation had been affected by the Gulf war and its devastating effects on the region. Efforts at promoting the enjoyment of economic, social and cultural rights had come up against fearful international political horizons. Famine, extreme poverty, malnutrition, underdevelopment and the degradation of the environment were already endangering those rights when the crisis in the Gulf broke out. Also, the developing countries were experiencing the hardships resulting from debt servicing, unfavourable exchange terms and low prices for their products.

ANTII SIERLA (Finland) recalled that since the adoption of the Universal Declaration of Human Rights, the body of international human rights instruments had grown significantly. Conventions concentrating on the rights of refugees, discrimination against women, torture and racial discrimination complemented the International Covenants on Human Rights. The latest human rights instrument was the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted at the

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last session of the General Assembly. The adoption of that Convention entailed compromise, but it undoubtedly meant a step forward in the fight against discrimination and for human dignity. For the purpose of monitoring their implementation, human rights instruments often comprised supervisory and complaint mechanisms.

Finland had recently paid pecuniary compensation demanded on the basis of a view of the Human Rights Committee, the body that oversaw the implementation of the International Covenant on Civil and Political Rights. The representative said the financial problems faced by the Committee on Racial Discrimination and by the Committee against Torture were, in the long run, solvable only through amending their respective constituent instruments. Meanwhile, there was probably no alternative but to try and cover the costs, which treaty partners had neglected to pay, from other temporary funds. The Finnish Government was ready to continue to contribute to the Centre for Human Rights.

DAVID CAMPBELL (United Kingdom) said his country unequivocally recognized the indivisibility of all human rights. As stated in the Programme of Action of the Second United Nations Conference on the Least Developed Countries held last autumn, development should be human-centred and broadly based, offering equal opportunities to all people, women as well as men, to participate fully and freely in economic, social, cultural and political activities.

He said respect for human rights, individually and as a group, as enshrined in the Charter and the Universal Declaration of Human Rights, constituted a universal obligation and stimulated the creativity and initiative necessary for socio-economic development. The United Kingdom was encouraged by the increasing attention now being given to the importance of the full realization of human rights in the economic and social development of countries.

KHALED KHIARI (Tunisia) said his country had made the defence of human rights a corner-stone of its social and economic policy. In the third world, however, the majority of people were struggling for survival. The programmes for rescheduling the foreign debt and the economic readjustment advocated by international financial institutions had sparked popular revolts in many countries. In Tunisia, the revision of certain codes had facilitated the realization of the aspirations of Tunisian society to liberty, justice, progress and well-being.

OMER EL-TURABI (Sudan) said the right to development was indivisible from other human rights. The Sudan was taking steps to implement policies based on self-reliance and trust in God. The Government's policy foresaw a broad-based participation of all the citizens in the development process. Also, the Government was committed to the peace dialogue with the rebel movement in the south of the country. It was hoped that the rebels would respond positively to the overtures of the Government.

The Sudanese Government, he continued, was dedicated to democratic principles and had given priority to the participation of women in society.

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The Sudan faced problems of debt servicing, poverty and underdevelopment. The current international economic order discriminated in favour of the wealthy countries to keep them wealthy while causing the already poor countries to become even poorer. Opportunities for development in many third-world countries were stifled by the policies of the present international economic order. The war in the Gulf would only increase the sufferings of the people in the third world. Resources spent in this war could go a long way to alleviate the problems in the least developed countries.

MANUEL SANZ, representative of Pax Romana, said the foreign debt problem was the biggest impediment to the development of the third world. In 1988, the external debt of poor countries had been 111 per cent of the average national product. Under such a burden, only 60 per cent of Latin America's population fulfilled its basic consumer needs. The financial Powers used the profits made from oil during the early 1970s to irresponsibly lend to the developing countries in the hope of making easy money. The countries that received the money used it to finance internal consumption and military build-ups. The solution of the debt problem was indispensable if there was to be development. Such a solution lay in the creation of a new economic order.

ELIAS KHOURI, representative of the Union of Arab Jurists, said the social, political and economic problems in the Arab countries had been intensified by the intervention designed to dominate the resources of the region. The resources were mostly already held by a minority of emirs. The external debt of the Arab countries exceeded $208 billion whereas the assets deposited in foreign banks totalled $680 billion, a sum retained by a few Arab countries with a population of 10 million. At the same time, 180 million Arabs were languishing under the effects of the foreign debt.

The act of aggression "perpetrated by the United States and its Zionist ally", he said, could not be justified by the international legitimacy. That aggression, aimed at preventing the independence of the third world. The "civilized bombs" had so far destroyed Iraq's economic infrastructure and had resulted in many civilian victims. An Arab solution should be found to the problem.

REED BRODY, representative of the Andean Commission of Jurists, said some 30 per cent of the export income of Bolivia, Colombia and Peru was derived from the illegal export of drugs. That illegal activity was spreading its tentacles to other countries. While drug trafficking activities produced economic revenue for many farmers in those poor countries, it was also a source of violence that affected the very people involved. The drug-trafficking business had degenerated into overt war with numerous paramilitary bands. The violence had infiltrated previously untouched sectors of society, and even the forces of law and order were sometimes affected. The law of the market dictated that when there was a demand there was naturally a supply. That was the reason for the continued production of coca leaves by poor farmers in the Andean countries.

There was need, he said, for a fundamentally new approach to solving the problem, one that involved creating marketing opportunities for other crops.

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The international community must make sacrifices to ensure that those farmers, the ones who suffered the most from drug traffickers, were adequately compensated for any loss in earnings.

DAVID LITTMAN, representative of the World Union for Progressive Judaism, said the representative of Syria had supported last Friday the equation of zionism with racism by citing a book by the Defence Minister of that country which upheld the "classical medieval Blood Libel, that evil allegation that Jews hate mankind and deliberately murder non-Jews to obtain non-Jewish blood for the Passover unleavened bread, or for other ritual purposes". He appealed to the members of the Commission to authorize the Chairman to make a declaration condemning the "blood libel".

Right of Reply

PAK DOK HUN (Democratic People's Republic of Korea) said his Government guaranteed the civil, political, cultural and economic rights of its citizens. It was therefore surprising to hear the United States criticize North Korea in that regard, especially since the United States was overrun with social evils. North Korea was a highly industrialized country which had seen its industry grow to 495 times what it was in 1945. North Korea was actively involved in reunification talks with the South in a spirit of reconciliation and détente. As evidence of this, North and South Korea were about to field joint sports teams for the upcoming games in Asia.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/216
13 February 1991

HUMAN RIGHTS COMMISSION DISCUSSES PROMOTION OF HUMAN RIGHTS, INCLUDING QUESTION OF ITS PROGRAMME, METHODS OF WORK

GENEVA, 12 February (UN Information Service) -- The Commission on Human Rights this afternoon began to debate the further promotion and encouragement of human rights, including the question of its programme and methods of work. The item was introduced by the Under-Secretary-General for Human Rights Jan Martenson. He also spoke about the 1993 World Conference on Human Rights, of which he has been appointed Secretary-General.

Taking part in the debate were the representatives of Australia, Peru, Bangladesh, the United States, China and Denmark. A representative of the United Nations Interregional Crime and Justice Research Institute also spoke. The representative of Syria spoke in exercise of the right of reply.

Statement by Under-Secretary-General for Human Rights

Introducing the item on the further promotion and encouragement of human rights, JAN MARTENSON, Under-Secretary-General for Human Rights, recalled General Assembly resolution 45/155, in which that body decided to convene a World Conference on Human Rights in 1993 to consolidate the advances made in the field review and assess the current situation to chart the future and to identify obstacles to progress. An important element of the Conference would be the relationship between development and the enjoyment of all human rights.

Another matter to be dealt with, he said, would be the reaffirmation of United Nations standards of human rights and the need to ensure harmony of new norms with those already established. The dilemma between responsibility, on the one hand, among various bodies grouped according to subject, group or the nature of their problem, and on the other hand, the nature of human rights as a deeply interdependent issue, would be a challenge to the Conference. The Conference would consider future issues while reviewing treaty-based procedures and technical, advisory and information aspects. Various non-governmental organizations had already made suggestions and many more ideas would certainly be forthcoming.

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Statements in Debate

BRIAN BURDEKIN (Australia) said his country attached great importance to international and regional mechanisms and measures for the promotion and protection of human rights. He supported measures to make the work of the Commission, the treaty-based bodies and other United Nations human rights machinery more effective. He recognized the particular value of Governments submitting material specifically addressing conceptual models of national institutions. It was highly desirable that the Centre for Human Rights have access to the most comprehensive and authoritative information possible in its preparation of a manual on national institutions, and that -- given the extremely limited resources presently available to the Centre compared with its responsibilities -- that information be available to it in the most accessible form possible.

He welcomed the developments in several countries towards establishing national commissions on human rights and looked forward to working with them to encourage the development both of national institutions and of some form of regional arrangement. In Australia, the work of the United Nations in standard setting was directly related to practical programmes and reforms for the most disadvantaged groups in the community.

OSWALDO DE RIVERO BARRETO (Peru), referring to the Commission's resolution regarding the consequences of violent acts committed by armed groups and drug traffickers, said such groups practised terrorist activities designed to destabilize Governments. That should be a high priority issue because democratic regimes were being affected. The activities of the groups affected human rights and fundamental freedoms. In Peru, armed groups had disrupted the recent elections and murdered elected representatives; they hindered justice and affected public order. They terrorized witnesses and judges, and damaged the infrastructure of the country, destroying infrastructure equaling 70 per cent of the country's gross national product (GNP). In Peru there had been 18,000 victims of those groups. In spite of that, the Peruvian population was used to political and civil liberties and all in July 1990 had elected a new Parliament.

HARUN-UR-RASHID (Bangladesh) said that with the passage of time and the introduction of new technology, a new dimension on the protection of human rights had emerged. Attention had also been drawn to a new relationship between humankind and nature, and to the fact that nature was sending a message: protect nature and survive or destroy nature and perish. Bangladesh was disturbed by the tragic and growing gap between rich and poor nations. The people in developing countries had a right to development which should be accepted not only as a moral imperative but as a legal obligation of the international community. The Commission must show sincere determination in bringing about a social order in which man would have a full opportunity for development and human rights. The time had come to ask whether the Commission's methods of work could fulfil those objectives. The issue was not whether the methods of work should be reformed but rather what sort of reform

should take place. The idea of holding of future sessions in locations other than Geneva was an interesting one, as, that would give more people equal access to the Commission's programme and activities.

MORRIS B. ABRAM (United States) observed that the world was not divided between countries that said they believed in human rights and those that said they did not. It was divided between countries that protected human rights, and those that did not. The articulation and defence of human rights was part of political culture and national character. The Commission, though now willing to focus on country-specific abuses, concentrated its energies, year after year, on a select few, leaving little time to discuss problems elsewhere. Torture, which should be at the core of the Commission's work, received two days of discussion. Israel, the occupied territories and South Africa got two weeks. Drafting and standard-setting exercises continued often on projects of narrow significance.

The world did not want another proclamation of human rights, he said. Such grand documents could not protect individuals who still should fear their rulers. The World Conference could be part of the search for a better life for those still without life's bare necessities. It could also be a stock-taking time: to assess where the world was, and what must be done to bring about real respect for human rights. Nor should one be afraid to ask why this Commission was so limited, and so selective, in its scrutiny and censure. Self-criticism and honest assessment were not always easy, but they were inevitably good things.

FAN GUOXIANG (China) welcomed the convening of a Conference on Human Rights in 1993. In spite of the basic guidelines for dealing with human rights, as set out in the Charter, United Nations organs considering human rights had been "shrouded in a cold war atmosphere characterized by fierce confrontation between opposing political groups and ideologies. Practices of double standards, selectiveness and utilitarianism had been prevalent". That attitude had seriously undermined international co-operation in the field of human rights in the past. The 1993 Conference should take as its aim the promotion of normal international co-operation in the field and should express views on human rights held by countries of different political, economic and social systems or backgrounds. There should be a spirit of seeking common ground, and differences should be set aside. The Conference, in reviewing United Nations work in human rights, should not limit itself to the definition of human rights contained in the Universal Declaration of Human Rights; it should consider other instruments which reflected the desire of a majority of countries since the Second World War.

UGO LEONE, of the United Nations Interregional Crime and Justice Research Institute, told the Commission of the Institute's work. He said human rights and judicial inquiry training course had been held in Rome, in 1985, sponsored by the Centre for Human Rights and the Institute; a human rights training course for Maltese police officer cadets was currently taking place. The Institute had also organized a workshop on the administration of justice in Latin America, held in Santo Domingo in 1989, and a training and research course on social changes last year in Tunisia.

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JACOB E. LARSEN (Denmark), speaking on behalf of the five Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said resolutions adopted by the General Assembly and international conventions, covenants and protocols formed "a sound foundation in international law for the common efforts of the international community to promote human rights and ensure that they are realized in practice". The objective for the future should be co-operation in the implementation of those obligations. Only when States abided by their obligations could the potential of these instruments be fully realized. The World Conference should pay particular attention to that matter. All States must be willing to engage in sincere dialogue on all human rights issues. Technology, the mass media and the development of international co-operation today made it much more difficult to hide human rights violations. The Conference should also examine the close relationship between development and the enjoyment of economic, social and cultural rights by everyone.

Right of Reply

CLOVIS KHOURY (Syria) said the representative of the World Union for Progressive Judaism had mixed up Judaism and zionism. Syria had little interest in this matter but felt compelled to state that it respected peoples of all religions, including the Jewish religion. However, zionism was a political, racist and reactionary movement that was hostile to all values. That was reflected in General Assembly resolution 3379. Syria would request that the Commission review the participation of certain groups, which wasted the Commission's time.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/217
13 February 1991

HUMAN RIGHTS COMMISSION CONTINUES DEBATE ON FURTHER PROMOTION OF HUMAN RIGHTS

GENEVA, 13 February (UN Information Service) -- The Commission on Human Rights continued this morning to consider ways to further promote and encourage human rights and fundamental freedoms, including the question of its programme and methods of work.

The following participated in the debate: United Kingdom, Burundi, Australia, France, Panama, Germany, Cuba, Portugal, Belgium and Morocco. Also making statements were representatives of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Centre of Sociological Penal and Penitentiary Research and Studies, the Inter-Parliamentary Union and the American Association of Jurists.

Statements in Debate

JANUSZ SYMONIDES, of the United Nations Educational, Scientific and Cultural Organization (UNESCO), said a lasting peace could only be guaranteed if it were based upon the intellectual and moral solidarity of mankind and respect for human rights and fundamental freedoms. Differences between concepts of human rights, despite changes in the world, still existed. There was a consensus that public awareness was a main factor in determining the general level of respect for human rights. Education on human rights was thus vital and should be available to all peoples. To that end, UNESCO's Associated Schools Projects embraced educational institutions of all levels in 102 member States. A major focus of those activities was the interrelation between human rights and democracy. There was a need for a special instrument on the cultural rights of minorities and also on the concept of academic freedom. The UNESCO remained convinced that the Centre for Human Rights was a vital component in human rights' teaching and education. The 1993 Conference on Human Rights was an opportunity to provide new impetus to human rights teaching and education world-wide.

HENRY STEEL (United Kingdom) expressed his regret that the report requested in resolution 1990/76 concerning intimidation or reprisals against witnesses or victims of human rights violations was not available. He hoped there would be full participation by governments and non-governmental

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organizations (NGOs) in the work of the Preparatory Committee of the World Conference on Human Rights. NGOs were the "soldiers in the front line", and they knew better than most where the existing human rights machinery was inadequate for its functions. The Preparatory Committee must also have the assistance of the Chairmen and the members of the various treaty monitoring bodies.

MAXIME TARDU, of the International Centre of Sociological, Penal and Penitentiary Research and Studies, welcomed the concept of the 1993 Conference. The Conference should address new principles of human rights. The world had witnessed the advent of new technologies and phenomena such as genetic engineering and massive population movements since the last Conference of that kind in 1968. In 1993, there should be imaginative legislation and an innovative spirit. A study of human rights violations along with discussion of the efficacy of solutions to problems would be welcomed as would participation in those matters by NGOs and experts. Trends and models should be documented and interdisciplinary approaches encouraged.

CHRISTINE PINTAT, of the Inter-Parliamentary Union, said that as an institution, a parliament was the result of free expression. The Union, in order to further promote and protect human rights, had adopted during its Centenary Conference in 1989, a resolution encouraging the grouping of parliamentarians to work in favour of the liberation of political prisoners and the eradication of torture and executions. Members of parliaments could persuade their own to refrain from violating human rights.

ALEJANDRO TEITELBAUM, of the American Association of Jurists, said many witnesses to human rights violations were subject to reprisals, detention, torture or death. For example, on 24 April 1990, Iranian human rights activist Kazem Radjavi was murdered in Switzerland. The judge handling the case had said Iranian officials had been involved, yet the Swiss Department of Justice denied that. The Association considered that a test case. The Swiss Department of Justice had previously interfered in similar cases. The Commission should maintain contact with the judge and with the federal and judicial authorities of the country. Regarding the 1993 Conference, one of its central themes should be that the covenants and protocols on human rights and humanitarian law were universal. The Gulf war violated those instruments daily. Furthermore, many major States had not ratified them. The Conference should emphasize the importance of the right to development and of the participation of communities in decision-making. To that end, non-governmental organizations must be involved in the Conference.

LAURENT NZEYIMANA (Burundi) said responsibility for protecting human rights was above all one of States. Burundi recently had adopted a National Unity Charter that promised, as stated by the President of the Republic, "real democracy ... mutual respect (and) tolerance". Those concepts were the basis for respect of human rights. However, that was not a new attitude. With the advent of the Third Republic three years ago came recognition of freedom of religion and of expression. In addition, there were no political prisoners in Burundi. The country had adhered to the International Covenants on Human Rights and it had been among the first to ratify the Convention on the Rights

of the Child. Furthermore, the teaching of human rights had been introduced in the country's educational system.

JAN SHEPPARD (Australia) concentrated on the question of regional human rights institutions and the issue of resources for the Centre for Human Rights. Australia had approved the development of intergovernmental arrangements for the promotion of human rights in the Asia-Pacific region. The workshop convened by the Centre for Human Rights and the Government of the Philippines in May 1990 had been particularly useful in providing information on existing models of human rights machinery, while providing a forum for the exchange of ideas. However, the resources for the United Nations human rights programme fell short of what was required and that was cause for concern. The Centre's various new mandates constituted an additional workload. In fact, much of the international community looked to the United Nations as the major forum for international consideration of human rights issues. Thus, it was surprising that a muniscule proportion of the United Nations budget was allocated to the human rights programme, in particular to the Centre for Human Rights. A longer-term approach was urgently required.

STEPHANE HESSEL (France) said his country placed paramount importance to the organization of the forthcoming World Conference on Human Rights. The Conference would have as its main task the examination of ways and means to improve the dissemination and implementation of human rights instruments. He emphasized that although the study of the relationship between economic, social and cultural rights on the one hand, and civil and political rights on the other was essential, one should not dwell on how to establish a hierarchy between them. All human rights were fundamental to human development. To fully ensure the right to an adequate living standard, the right to education and right to health was indispensable, but not always sufficient. The Conference should also deal with the question of national and regional mechanisms for the protection of human rights.

CESAR PEREIRA BURGOS (Panama) said that the forthcoming World Conference should be guided by the need for dialogue. No State should be deaf to the need for liberty and the affirmation that no development was possible without respect for human rights. Those who advocated that the respect of human rights should come first at the national level committed an error. Although in many countries legislation with respect to human rights existed, what was missing was the political will to put it into practice.

Regarding the idea forwarded by some countries to dissolve the Special Committee on decolonization, he said that body would be replaced by others that would have to deal with the growing problems of minorities in the rich countries.

FREDO DANNENBRING (Germany) said the 1993 Conference would be a good opportunity to review and discuss the state of human rights at the end of the century. It was clear that the position of human rights had changed since 1968, the year of the last World Conference. Human rights violations had the power to endanger the maintenance of peace and impede progress in development. The Conference should examine the relationship between

development and the enjoyment of human rights. There were new concepts in that area, such as the idea of popular participation in the global consultations on the right to development held in 1990. In terms of the implementation of existing human rights standards and instruments, the Conference would provide an opportunity for States to declare their intention to ratify international covenants. The forum should also examine the link between human rights violations and mass movements of people causing outflow and internal displacement.

RAUL ROA KOURI (Cuba) said that in view of the forthcoming World Conference, it was useful to remember that strict respect for the principles of equal rights and the free determination of peoples constituted a prerequisite for the realization of human rights and fundamental freedoms. No State should impose its views on others. The Conference should reflect that human rights and fundamental freedoms were inalienable, indivisible and interdependent. The concept that held that human rights had only an individual dimension had been overtaken by history. During the last 20 years, the United Nations had developed the concept of collective human rights and fundamental freedoms. The United Nations system should continue to analyse and find practical solutions to the massive violations of human rights and liberties entailed by the persistence of apartheid and other forms of racial discrimination, colonialism, and by foreign occupation, domination and aggression. Such violations had affected, in particular, countries of the third world, hampering their efforts in the realization of human rights.

JOAO CABRAL (Portugal) said the time was ripe for the international community to assess all that had been achieved in the field of human rights as well as the problems and challenges which remained. The 1993 Conference should see the participation of international organizations, specialized agencies, regional organizations, non-governmental organizations, human rights treaty bodies and human rights experts. In the future, the priority would lie with ensuring the effective implementation of existing human rights instruments. The universal dissemination of human rights standards was vital and could be achieved by improving the effectiveness of relevant United Nations programmes. Important analytic work had been carried out by the Secretariat but had sadly been diminished due to the scarce feedback received, even from Portugal. Furthermore, the increased workload of the Centre for Human Rights required urgent additional resources. It was a matter of concern that less than 1 per cent of the overall United Nations budget went to human rights programmes.

MARC BOSSUYT (Belgium) said texts on specific country situations should not be submitted to the World Conference. Rather, there should be a general, long-term view of the human rights situation in the world. Central to that was the universal character of human rights. It was time to turn to the better implementation of existing instruments. There should be an increase in the means made available to the Centre for Human Rights, given the increased burdens placed upon it. The relationship between development and human rights should also be considered at the Conference. Without respect for human rights, there could not be democracy, and without democracy there was no respect for human rights.

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EL GHALI BENHIMA (Morocco) affirmed his country's commitment to promote human rights and told the Commission that the principles of the Universal Declaration of Human Rights were recognized by the Moroccan Constitution. Additional provisions had been enacted to safeguard all rights and provided for procedures to remedy violations. In addition to the legal texts, there were organizations like the Bar Association and three human rights groups which supervised the application of the law. In 1990, King Hassan II had created the Consultative Council on Human Rights, which was comprised of political parties, unions, non-governmental organizations working for the defence of human rights, and other groups.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/218
15 February 1991

HUMAN RIGHTS COMMISSION CONTINUES DEBATE ON FURTHER PROMOTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

GENEVA, 13 February (UN Information Service) -- The Commission on Human Rights met this afternoon, 13 February, to continue examination of the question of the further promotion and encouragement of human rights and fundamental freedoms. Under this item the Commission reviews the United Nations human rights programme and its own methods of work, as well as alternative approaches within the Organization's system for improving the effective enjoyment of human rights. National human rights institutions and the co-ordinating role of the Centre for Human Rights within the United Nations human rights machinery are also discussed.

During the meeting, speakers called for greater funding for the Centre for Human Rights and for increased co-ordination in the human rights programme. Participants also welcomed the decision to convene a World Conference on Human Rights in 1993, which was seen as an opportunity to increase awareness of, and respect for, human rights and fundamental freedoms. The Preparatory Committee of the Conference is expected to hold its first meeting in September of this year.

Participating in the meeting were: Ireland, Senegal, Italy, India, the Soviet Union, Peru, Austria, the Philippines, Mexico, Spain, Luxembourg and Greece. Also speaking was a representative of the International Committee of the Red Cross (ICRC).

Statements in Debate

DONAL DENHAM (Ireland) said that Ireland recognized the interdependence between civil and political rights and economic, social and cultural rights. The enjoyment of all fundamental rights was without prejudice to any one category. The role of the United Nations, and in particular of the Commission, of the Centre for Human Rights and of the Third Committee of the General Assembly were paramount in ensuring the realization of human rights and their universal application. The World Conference on Human Rights would provide an opportunity to assure the effective implementation in all countries of the human rights and fundamental freedoms already codified in existing international instruments. It could strengthen international resolve to

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improve upon past performances and to make those institutions and programmes already established more relevant to the task at hand. Ireland hoped that with careful preparation and the co-operation of all concerned, the World Conference would mark another historic leap forward in universal respect for, and attainment of human rights and fundamental freedoms.

YOUSSOUPHA NDIAYE (Senegal) said that his country had a "Mediator of the Republic" which was charged with ensuring that Senegalese law was applied fairly. Senegal was a democratic country where traditional values and customs still played a pivotal role. Since independence in 1960, Senegal had established a body of rules to ensure the protection of human rights. According to the 1963 Constitution, international treaties ratified by Senegal automatically became part of Senegalese law, without the need for a legislative text to become official. The African Commission for Human Rights was established in 1981, with Senegal as an active member. In 1972 Senegal set up a human rights committee, and in 1990, a new law was adopted which strengthened the functions of this committee. Representatives from all sectors of the economies were invited to participate. These included non-governmental organizations, trade unions, women's organizations and youth groups. All had the privilege of being granted an audience with the highest government officials and had their recommendations seriously considered. Associations, such as the Young Lawyers and other non-governmental organizations, were active in the protection and promotion of human rights, notably in rural areas, where they provided legal aid.

FRANCESCO MEZZALAMA (Italy) said that the problem in the United Nations human rights programme lay not in the thrust and orientations of the public information activities and of the world campaign but rather on the amount of resources available. The Commission had to realize that if the Centre for Human Rights continued to be allotted the same amount of resources, the much needed breakthroughs in the field would not be accomplished. It was much easier for the Department of Public Information (DPI) to redirect some of its substantial resources in favour of information activities in the field of human rights than for the Centre to see its financial endowment for the same activities substantially increase. Therefore, there was a need for an enlarged and more fruitful co-operation between the Centre and DPI. The objective of this common effort was too important to be hampered by institutional sensitivities and bureaucratic prerogatives.

As to future activities, the delegate said he supported the meeting planned for later this year, co-sponsored by the United Nations Educational, Scientific and Cultural Organization (UNESCO), which would aim at developing a curriculum model for human rights education at the university level. The workshop planned by DPI in 1991 to discuss the role of the media in connection with a world public information campaign was also commendable. The World Conference should have as one of its main concerns the effective implementation of human rights. A key to this would no doubt be provided by reinforcing the efforts devoted to information, education and awareness building.

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I.S. CHADHA (India) stated that most of the dramatic developments in this century had affected human rights to some degree or another. On the negative side, there had been two world wars, not to mention other regional wars, which had violated human rights in a very big way. On the positive side, this century had witnessed the almost complete demise of colonialism. India had played a major role in this development, not only by gaining its own freedom from colonialism, but also by helping others to do so. The Commission should make recommendations which could help the Preparatory Committee of the World Conference to get on with its task. That Conference must be made an important landmark in the human rights field. The Commission should see to it that the Conference and its Preparatory Committee did not get bogged down in specific country situations, for this was the job of the Commission itself. The World Conference should have a comprehensive approach. It should concern itself with stemming the tide of misery, for it was misery which flowed out of the violation of any human right. The World Conference should be an occasion to move closer to the ideals enshrined in the Universal Declaration of Human Rights.

SERGUEI KOSSENKO (Soviet Union) said the realization of human rights should begin at home. There was need to establish national institutes for human rights which would foster and promote these rights. The human rights campaign was in its formative stage in the Soviet Union, but the country was committed to this cause. The Soviet Union was fully ready to support a World Conference on Human Rights. This Conference should not be used for new ideas but rather to fashion and strengthen internationally established standards. There was no need to create a luxurious and ceremonial international gathering, but rather to hold a more practical meeting to identify and agree on common trends in human rights. The World Conference would reflect and embody the most salient and important aspects of human rights. The Soviet Union believed that such a conference would act as a catalyst in fostering the unification of world opinion on human rights issues. The Soviet Union wholeheartedly supported any such attempt, and was prepared to be an active participant.

OSWALDO DE RIVERO (Peru) said that more than four decades had gone by since the first Peruvian delegate to the Commission on Human Rights had pointed out the importance of human rights and the Universal Declaration. The cold war had finally come to an end but it should be noted that this had been brought about more through the will of individual peoples to finally find peace than through political manoeuvring. It was regrettable that so soon after the end of the cold war another real war should break out in the Middle East. It could only be hoped that this conflict would be brought to an end very soon. Peru looked forward to the next World Conference on Human Rights in 1993 with the hope that it would promote more respect for human rights and fundamental freedoms.

FELIX ERMACORA (Austria) said that the work load of the Centre for Human Rights had increased tremendously while its staff remained at the level of 20 years ago. Austria welcomed wholeheartedly the decision of the General Assembly to allocate, as an interim measure, several additional posts to the Centre. This measure, however, could only be seen as a very first step in the

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overall strengthening of the Centre to be undertaken within the next biennium budget. Austria would expect the Secretary General to include in his next proposed programme budget all necessary resources -- including the necessary technical modernization and computerization -- to allow a long-term solution to these problems. In preparing for the next World Conference one should not lose sight of the considerable achievements of the last decades, such as the comprehensive body of international instruments elaborated so far. The widest feasible participation should also be ensured for this event. All these achievements had to be translated into action on all national levels, to benefit all individual human beings. If the Conference could translate the achievements into action on all levels, it would prove to be a really historical event.

PURIFICACION V. QUISUMBING (Philippines) recalled that the Commission had been unanimous in expressing its support for the World Conference. The General Assembly resolution 44/155 set forth with great clarity the objectives of the next World Conference and the mandate of the Preparatory Committee. It was left for the Commission to play its role. The current session was expected to make recommendations, which the preparatory committee must bear in mind when it met. The Commission should keep this in mind so that it could decide early on in the session whether to take on or to forego this rare opportunity to contribute its unique perspectives as the premier human rights body in the United Nations system. The role of non-governmental organizations and academics must be maximized in shaping the World Conference agenda, for human rights did not depend on Governments alone. The Centre for Human Rights should be provided with a budget that reflected its growing responsibility and the importance of human rights.

ROSARIO GREEN (Mexico) said that Mexico was committed to the defense and promotion of human rights. To this end a National Human Rights Commission had been inaugurated in July 1990. This Commission was equivalent in function to an ombudsman, and was also charged with elaborating and executing educational and cultural programmes in accordance with international agreements and treaties signed by Mexico. The Commission was also charged with studying various legal complaints, of which the legal recommendations were made public. The Commission ensured the spreading of information concerning human rights as a culture in collaboration with the United Nations Centre for Human Rights, UNESCO, and the United Nations Children's Fund (UNICEF).

MICHEL VEUTHEY, of the International Committee of the Red Cross (ICRC), welcomed the fact that increasingly the international community had understood the importance of spreading information about human rights. This was one of the essential factors in the application of those rights and international humanitarian law and, as a consequence, in the protection of victims of armed conflict. It was up to the States linked by the Geneva Conventions of 1949 and its additional protocols to spread international humanitarian law. The International Committee of the Red Cross contributed to this effort by, among other activities, organizing training courses for military officers of different countries and for the diplomatic and academic communities. A greater co-operation with the Centre for Human Rights was also taking place. The ICRC wished to see particular emphasis put on the examination of human

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rights during armed conflicts and international humanitarian law at the forthcoming World Conference on Human Rights.

JOSE LUIS LOS ARCOS (Spain) said that the coming World Conference should lead to a substantive document that would provide guidance to member nations with respect to their efforts in the field of human rights. It should draw on the experience of non-governmental organizations and other experts. Spain held the view that there was a need to reach a consensus, an effort to help and support the Centre for Human Rights in its work to promote and spread knowledge of the cause of human rights. To this end further funding was needed and Spain supported an increase in the general budget for the Centre.

MARIANNE BUSCHMANN (Luxembourg) said that Luxembourg attached great importance to the strengthening of structures within the United Nations which guaranteed respect for basic human rights. The European Community had already expressed on 31 October 1990 its firm commitment to the forthcoming World Conference planned for 1993. The World Conference would be a firm and important date which would profoundly mark the future of the human rights movement. This was why Luxembourg found it indispensable that the results expected of the Conference should be important and substantial.

EURIPIDES KERKINOS (Greece) stated that the world had witnessed an unprecedented wave of democratization. In the midst of these developments an ever increasing interest in the acknowledgement and preservation of human rights had naturally followed. The need to strengthen the relevant mechanisms of human rights protection has emerged as a high priority for United Nations organs. The achievements of various regional seminars has been outstanding, as has been the contribution from the Advisory Services Section of the Centre for Human Rights.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/219
19 February 1991

HUMAN RIGHTS COMMISSION CONCLUDES DEBATE ON FURTHER PROMOTION OF HUMAN RIGHTS

GENEVA, 14 February (UN Information Service) -- The Commission on Human Rights concluded this morning its general debate on the question of further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission, and took up the question of the human rights of all persons subjected to any form of detention or imprisonment.

The Special Rapporteur on Torture and the Chairman of the Working Group on Involuntary Disappearances introduced reports on those subjects.

Taking part in this morning's meeting were the representatives of Zambia, Czechoslovakia, Byelorussia, Syria and Senegal.

Non-governmental organizations making statements were the Four Directions Council, the World University Service, the Latin American Federation of Associations of Relatives of Disappeared Detainees, the International Association of Educators for World Peace, and the Service Justice and Peace in Latin America.

Iraq and the United States spoke in exercise of the right of reply.

Statements on Promoting Human Rights

IRENE FUNDAFUNDA (Zambia) welcomed the upcoming World Conference on Human Rights in 1993 and saw it as reflection of an "essentially universal acceptance of human rights in principle". International co-operation was a critical condition for the success of the Conference, which should not serve as the occasion for championing individual causes.

The Conference, she said, should devote equal attention to all human rights, as established in the International Covenants and other relevant instruments. Any assessment of progress in the field of existing mechanisms must recognize the fact that contemporary international society had not yet reached a stage at which a supra-national enforcement machinery could be readily acceptable. The Conference should examine the double standards and

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For information media--not an official record

selective methods adopted by several States, give priority to outstanding cases of serious violation and examine the relationship between enjoyment of economic, social rights and the right to development.

ZDENEK PAGAC (Czechoslovakia) welcomed the opportunity to convene a World Conference on Human Rights, which would create an appropriate framework for advancing and strengthening mutual understanding and co-operation in the field. The disappearance of ideological confrontation had opened a new era in international relations. The activities of the Centre for Human Rights were of utmost importance and indispensable in the United Nations system. The resources devoted to the Centre were inadequate.

STANISLAV OGURTSOV (Byelorussia) said the World Conference was a forum for international co-operation on human rights. A non-politicized approach to the Conference was advised because human rights was a shared goal of all States committed to the Charter. Public information and education activities were an essential part of the promotion of respect for human rights and fundamental freedoms. Tolerance and concern for the planet should be one of the objectives of the world community; the ultimate goal was a stable humanitarian world. In recent times, the Centre for Human Rights had successfully responded to increased needs for educational materials, and yet financial constraints had prevented the Centre from reaching its full potential.

HUSSAMI NABIH (Syria) said the rights of an individual were linked to the norms of national legislation, culture, tradition and the other practices of a country. Since nations were distinguished by their sovereignty, the linkage of right to national legislations should be respected by others. Human rights were not limited only to civil and political rights; economic, cultural, social and development rights were also human rights. Syria respected the Universal Declaration on Human Rights and would fully support the convening of the forthcoming World Conference on Human Rights. The efforts made by the Centre for Human Rights in promoting human rights instruments deserved to be commended.

RUSSEL BARSH, representing the four Directions Council, said the Declaration on the Right to Development and its principles had been growing in stature and importance. In particular, there was an increasingly acknowledged link between human rights respect and the development of human resources. The Commission should act decisively on the recommendations of the Global Consultation on the Right to Development. There could be no development without human rights and no rights without the resources to exercise them.

The 1993 Conference, he said, should mobilize Governments and United Nations agencies to set targets and make commitments to the full realization of human rights, as a means and an end of the development process. The Global Consultation had observed that democracy depended on a fair distribution of economic power among all sectors of society. The Commission could make a difference by operationally defining and measuring democracy.

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In addition to being the year of the Conference, 1993 would also be the Year of the World's Indigenous Peoples, he said. The Commission should encourage indigenous peoples to play an essential role in the preparations for 1993; they should be given direct access to international resources and the chance to promote mutually supportive international linkages.

M. THOMSON, of the World University Service, observed that various reports had drawn attention to the crucial role of education in the realization of human rights, yet the relevant article of the International Covenant on Economic, Social and Cultural Rights remained too general and too limited in scope. Human rights education was essential to move beyond a universal recognition of human rights to their realization.

In countries where repression had existed, he said, amnesty laws and pardons meant that acts of State terror perpetrated against the people were shielded from judgement. Such laws and pardons allowed no legal or moral recourse for societies which had suffered rule of terror under national security régimes. It undermined rule of law and constitutional structures, weakened civilian authority and perpetuated social division.

ALIOUNE SENE (Senegal) said a World Conference on Human Rights would be a venue where dialogue would be established with mutual respect and tolerance. It would offer the occasion to update the accomplishments in the defence and protection of human rights and permit the world to give thought to the challenges and obstacles encountered in the implementation of human rights. The present era had all the intellectual and scientific means to create a human rights language for all cultures and all civilizations.

MARIA ALEXIU, of the Latin American Federation of Associations of Disappeared Detainees, stated that her organization was concerned with the gap between theory and reality. For example, Guatemala's constitution was disregarded, as was demonstrated by the continued policy of detentions, assassinations, torture and disappearances in that country. In Honduras, there was a Commission on Human Rights which depended on the Government and which had not solved any case of violation of human rights. In Colombia, there were three official human rights organizations that limited themselves to receiving complaints; while in Peru, there was a Supreme Prosecutor for the Defence of Human Rights which acted similarly. The Peruvian military was protected against civilian prosecution by various decrees. The judiciary was neither independent nor impartial. In Argentina, pardon was a prerogative of the President, who had pardoned some men whose offences could be seen as crimes against humanity. The President had overruled a Supreme Court decision in pardoning those men.

LUIS ZUÑIGA REY, of the International Association of Educators for World Peace, expressed satisfaction regarding the integration of human rights programmes in schools. While many nations were endeavouring to incorporate such programmes in their policies, Cuba had hampered the implementation of the Universal Declaration of Human Rights. Some Cuban human rights activists had

been imprisoned. Some dictatorial regimes tried to interprete human rights in their own ways and not in compliance with international norms. The United Nations should act against the human rights violations in Cuba.

NELSA CURBELO, of the Service of Justice and Peace in Latin America, said the twentieth century had been marked by increased awareness of human rights but also by wars of hunger and bullets. In the past, non-governmental organizations had drawn attention to the issue of impunity on the Latin American continent. In response, the Permanent Tribunal for Peoples had been established. Impunity was a legal sanction which allowed the systematic violation of human rights, which went on without punishment in the name of State security. Governments cited social control as the reason for that violence. That violence occurred mainly against the poor; impunity had led the poor to see a lack of legitimacy in governmental institutions. International opinion must uncover those violations and the Commission must deal with the issue, as should the World Conference on Human Rights in 1993.

Enforced, Involuntary Disappearances

Introducing the report of the Working Group on Enforced or Involuntary Disappearances (document E/CN.4/1991/20 and Add.1), the Chairman of the Group, IVAN TOSEVSKI (Yugoslavia), said that although since 1983 the overall number of disappearances seemed to have been declining, the Commission should not allow its consideration of the question to diminish in any way. The report said the overall figure for the caseload that the Working Group had accumulated since 1980 stood at close to 20,000 cases of disappearance, pertaining to some 45 countries.

Impunity was perhaps the single most important factor contributing to the phenomenon of disappearance, he said. Perpetrations of human rights violation, whether civilian or military, became all the more irresponsible if they were not held to account before a court of law. Subversive groups, for their part, might become all the more brazen if their violent acts went unpunished. Impunity could also induce victims of those practices to resort to self-help, acting as judge and executioner at the same time.

Report on Torture

PETER KOOIJMANS, Special Rapporteur on questions relevant to torture, introducing his report (document E/CN.4/1991/17), stated that this year's report was more voluminous than those of previous years. That did not necessarily mean that torture was practised on a larger scale. It was partly due to the fact that more allegations has been received and transmitted to Governments. The number of requests for urgent appeals from detainees who feared being subjected to torture had also risen. Replies had also increased and there was a trend towards more detailed information in those replies. Torture had not disappeared although it had been more than 15 years since the world community began its sustained campaign against it. That should not be discouraging, for the infrastructure of a campaign against torture existed. What was needed now was political will and the efforts of all to prevent the plague of torture entering into the twenty-first century.

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The report recommended, among other things, that States which had not done so should ratify the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, he said. Incommunicado detention, which was highly conducive to torture, should be declared illegal, according to the report, and the interrogation of detainees should only take place at official interrogation centres.

Rights of Reply

ABDUL AL-KADHI (Iraq) said his country had already shown that the United States and the West spoke of human rights in theory but did not apply them in practice. The United States was guilty of an odious crime when it attacked, last night, a bomb shelter killing women, children and old people. That was a crime against mankind and a way of avoiding military confrontation by hitting at civilian targets. How long would the Commission remain silent in the face of such crimes? History would take note of United States actions, as it had when that country had attacked Viet Nam.

The representative of the United States said his country regretted loss of life in any country; civilian deaths in time of war were especially tragic. But the Commission was not the place to discuss war. It was the place to discuss human rights violations, including Iraq's brutal occupation of Kuwait, its use of "human shields" to protect military targets and its bombing of countries not involved in war. The Commission was aware of the thousands of Kuwaitis killed and tortured in the war, which Iraq began on 2 August and could end by honouring the Security Council resolutions on the matter.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/220
19 February 1991

HUMAN RIGHTS COMMISSION CONTINUES WORK ON QUESTION OF HUMAN RIGHTS OF DETAINED PERSONS

GENEVA, 14 February (UN Information Service) -- The Commission on Human Rights met this afternoon to continue consideration of the question of the human rights of all persons subjected to any form of detention or imprisonment.

Taking part in the debate were representatives from the United States, Costa Rica, the United Kingdom and Kuwait.

Non-governmental organizations speaking on the topic were the International Federation of Human Rights, the International Centre of Sociological, Penal and Penitentiary Research Studies, the International Commission of Jurists, Amnesty International and the International Council of Jewish Women.

The representatives of Iraq and China exercised the rights of reply.

Statements in Debate

JOHN CROOK (United States) stated that there could be no greater assault on a person's dignity and rights than the torture or murder of captives of the State. Why, he asked, did that issue receive only two days' consideration on the agenda? Torture and abuses against persons in detention were a grave violation of human rights and were to be condemned. Torture in many cases remained an instrument of government policy. Torture corrupted and degraded the Governments which practised and allowed it. The Government of Iraq, both in Kuwait and in its own territory, had perpetrated appalling kinds of physical and psychological torture.

The indication that enforced disappearance was becoming less common was to be welcomed, as were the work of the Special Rapporteur on torture and the Working Group on Disappearances, he said. The report of the latter listed 3,420 unresolved cases of disappearances in Iraq. The Commission should come to the defence of prisoners and detainees whose only crime had been to express unpopular opinions. The Commission could also act on the problem of acts of reprisal taken by some Governments against those who might assist the work of the Commission by giving testimony.

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JORGE RHENAN SEGURA (Costa Rica) recalled that Costa Rica had presented for consideration to the Commission of Human Rights in 1980 a draft protocol on matters of torture, cruel and inhumane treatment. Costa Rica believed that the suggestions presented then were valid now. There was a need to establish the right of access to all prisoners so as to expose any malpractices. The idea was to take action as a preventive measure to discourage any illegal and inhumane act.

Official delegations should be allowed to visit the incarcerated in any State party to the various treaties, he said. There should be a report which would be submitted along with recommendations on what should be done to prevent further violations. The objective would not be to unduly condemn the States found to be in breach of treaty obligations, but rather to protect the victims themselves from any perpetration of inhuman, cruel or illegal treatment.

HENRY STEEL (United Kingdom) said, on the matter of enforced involuntary disappearances, that it was deplorable that not all Governments had responded to the Working Group's request for co-operation. Of the 46 countries referred to in the report, 15 had failed even to reply to the Group's enquiries. That was a "total and inexcusable residue of non-co-operation". The Working Group's propositions -- that the Commission's action against disappearances was paying dividends, that the Commission should not relax its vigilance on that matter and that the phenomenon of disappearances be treated as persistent until eradicated -- were to be endorsed. Furthermore, it was to be welcomed that the Working Group had further improved its methods of work by devising a "prompt intervention" procedure.

SABIKAH AL-ABDUL-RAZZAQ (Kuwait) said that since 2 August, the day of the Iraqi invasion, some 20,000 persons had disappeared involuntarily in Kuwait. It was presumed that some of them had been transferred to Iraq, but no information on their whereabouts had been forwarded. The Iraqi authorities had been involved in torture, plunder and executions. Many civilians had been taken from their homes and tortured to death. There was widespread collective punishment, and many people had been murdered in the presence of their families. Some 300 new born babies had been allowed to die, after their incubators were removed and transferred to Iraqi hospitals. There was generalized terror, murder and arbitrary arrests.

VO VAN AI, of the International Federation of Human Rights, and its affiliate, the Viet Nam Committee for the Defence of Human Rights, said those organizations remained extremely concerned about abusive and systematic detention, torture and enforced disappearance, which continued to be carried out in Viet Nam. Last November and December, hundreds of intellectuals were arbitrarily detained. There had been 27,747 persons arrested since the beginning of 1990. The Vietnamese authorities had denied their arrest. Religious personalities were treated as criminals and placed under house-arrest, while others were condemned to long prison-stretches for their religious convictions. His organization called on the Commission to react against those violations.

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Concerning the right to a fair trial in China, the Chinese authorities were discreetly sentencing anti-authoritarian dissidents to long prison terms. Their trials were held with no publicity and no foreign delegations or journalists. There were no lists of prisoners made available. The Commission should compile a report on human rights violations in China. Concerning the situation in Western Sahara, his organization had enquired about 16 of the 900 prisoners arrested in 1976. In Morocco, trials had taken place hurriedly and without respecting procedures.

MAXIME TARDU, of the International Centre of Sociological, Penal and Penitentiary Research and Studies, said co-ordination was important with respect to the problems of illegal detentions. The Commission and the Sub-Commission were both ill-suited for carrying out their tasks relating to that problem as they were overloaded with work. Such tasks should be mandated to an inter-agency body more suited to such activities. Enforced disappearance was a cancer which must be eradicated.

REED BRODY, of the International Commission of Jurists, said that, while some of the worst situations of disappearances had abated, others had appeared. There was no international instrument which specifically outlawed the practice of disappearances, and no instrument set forth mechanisms to prevent further disappearances.

On the matter of arbitrary detention, it was necessary to deal with the question of wrongful administrative or judicial detention. Concerning the independence of the judiciary and the protection of practicing lawyers, the Commission had correctly adopted a dual approach to that question, focusing on standard-setting and monitoring.

HELENA COOK, of Amnesty International, said reports on disappearance in Peru had continued to reach the organization since the new Government took office last July. In the Philippines, the victims of "disappearance" had often been members of lawful non-governmental organizations, such as the Ecumenical Centre for Research and Development. In Sri Lanka, several thousand people had disappeared in the context of the current conflict. In Guatemala, disappearances were occurring in endemic proportions. In Colombia, where at least 200 people had disappeared in the past year, a lawyer acting on behalf of a number of trade unionists who had been detained and tortured, disappeared in Bogota in July 1990 at the hands of men who identified themselves as members of the security forces. In Mauritania, since mid-1989, government operations, particularly directed against black African villagers of the Halpulaar ethno-linguistic group, had resulted in the arrest of hundreds of villagers. Many of them had since effectively disappeared and their fate remained unknown.

ANDREE FARHI, of the International Council of Jewish Women, said that today in the world there were calls for violence against a culture or a religion imaginatively perceived as a popular enemy. The Universal Declaration of Human Rights prohibited human rights violations, but how were the causes of those violations treated? There was a current tendency to simplify situations in terms of West-East, North-South and

Islam-Christianity. When would people cease to pay for the crimes of their ancestors? All States, whatever their ideology, must respect their international obligations simply because they were all part of one human community. The rise of nationalism, populism and other "isms" had brought people, often children, into the streets screaming with clenched fists, calling for destruction. Did they know what they were screaming for? They were conditioned, led by a trend which led to obscurantism. What would be their future? That should be the concern of the Commission.

Rights of Reply

NASIR MAHMOUD MADHOUR (Iraq) said the Kuwaiti allegations reflected the influence of American propaganda. In view of the aggression being perpetrated against Iraq, it had become necessary to install foreigners in strategic sites. Iraq challenged anyone to bring proof that those people were victims of ill-treatment. The United Nations resolutions which authorized war had been result of pressure from the United States. In reality, Iraq was fighting the Zionist entity and had been doing so since 1981, when Israel attacked an Iraqi nuclear facility, provoking civilian casualties.

WANG XUEXIAN (China) stated that the trials China had carried out were its own internal matter. All claims against China were fabrications; China would clarify its position at the proper time.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/221
19 February 1991

HUMAN RIGHTS COMMISSION RESUMES DEBATE ON HUMAN RIGHTS OF PERSONS SUBJECTED TO DETENTION, IMPRISONMENT, TORTURE

GENEVA, 15 February (UN Information Service) -- The Human Rights Commission continued this morning its deliberations on the human rights of persons subjected to detention and imprisonment.

During the course of its deliberations, the Minister of Justice of Rwanda, Sylvester Nsanzimana, declared that in spite of the armed clashes instigated by the Inkotanyi, Rwanda still attached crucial importance to human rights enjoyment as set out in the Rwandan Constitution.

The Commission also heard the statement by the Minister of Foreign Affairs of Romania, Adrian Nastase. Mr. Nastase thanked those institutions and persons who had offered support and advice in the area of human rights in a country where respect for those rights might have previously existed in legal texts but until now had not been applied to daily life.

Statements were made by the representatives of the Soviet Union and the Philippines.

The representatives of the following non-governmental organizations also spoke this morning: International Committee of the Red Cross, International Federation of Action of Christians for the Abolition of Torture, World Movement of Mothers, International Movement for Fraternal Union among Races and Peoples and International Union of Lawyers. The representative of Kuwait spoke in exercise of the right of reply.

Statement by Rwanda Justice Minister

SYLVESTER NSANZIMANA, Minister of Justice of Rwanda, stated that since October 1990, Rwanda had endured an armed aggression which was being supported from outside. The 10,000 strong army was called Inkotanyi which meant "to act with determination", "to fight to the end, valiantly". The aggressors had launched endless assaults on Rwanda and were still waging a bitter war in the east and north of their own country.

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The Inkotanyi, it had been proven, were using Ugandan weapons and materials and launched their attacks from that neighbouring country, he said. Following attacks, which were usually repelled at high cost in life and property, the intruders were driven back to Uganda. The war contributed to Rwanda's other economic pressures, since it had cut off vital transport routes, created more refugees and brought considerable trauma to the Rwandan population. The educational system had been suspended and inter-ethnic tensions had been reawakened. The environment, in particular the precious national parks, was being totally destroyed by the Inkotanyi.

However, Rwanda was a unique case in the history of peoples, he said. It was a country where authorities strove to protect arrested persons and Rwanda had nothing to hide. The International Committee of the Red Cross (ICRC) enjoyed full freedom of access to prisoners. There was no evidence of the alleged plunder, looting, enforced disappearances and illegal deaths as detailed by the international media.

On the other hand, he continued, the aggressors had shown persistent disregard for human rights which had not been mentioned by the international press. For example, they used minors to swell their ranks, placed mines on highways, raped women, massacred old people, fired on hospitals and burned down houses. The international media should pay attention to both sides of the story. The Rwandan refugee problem remained serious and urgently required a speedy, definitive solution.

Romanian Foreign Minister's Statement

ANDRIAN NASTASE, Foreign Minister of Romania, spoke about aspects pertaining to the democratic processes initiated by the December 1989 Romanian revolution. Prior to that, he said, Romania had been ruled by one of the most repressive, totalitarian, Communist regimes in Eastern Europe. The fundamental change in Romanian society had brought about a sudden political decompression, which had engendered deep political and social convulsions, even errors such as those committed during the events in Bucharest from 13-15 June 1990.

However, he continued, distrust and suspicion as to Romania's future had begun to dissipate; society was being profoundly restructured and the people were acquiring the values of democracy. Since the revolution, democratic society, as expressed in the State, had begun to take shape. Political pluralism consecrated in law since the early days of the revolution now functioned as it did in all other democratic countries. Minorities were now represented in Parliament and enjoyed the multi-party system like all other parties.

Economically, laws provided for changes in ownership which in turn brought about a process of decentralization, he said. The death penalty had been abolished and rights to defence and recourse to penal bodies had been established. The new socio-political climate made it possible to publish

freely and all citizens enjoyed full rights of freedom of expression. Languages were also respected, as were the many new non-governmental organizations.

Statements in Debate

GABRIELA CHAVEZ, of the International Committee of the Red Cross (ICRC), said ICRC had a mandate to visit detention places. It did not get involved in politics or the motives and causes of conflicts. The ICRC worked against torture and disappearances and towards the improvement of the material and psychological conditions of detainees. It requested access to all prisoners whatever the reason for their imprisonment. Access had to be negotiated, and ICRC always requested to carry out its investigations without witness. Following the visits, ICRC usually requested further visits and the drawing up of a list of the prisoners visited in order to identify them. The ICRC respected total confidentiality in these matters. The ICRC transmitted the reports on its visits to the authorities concerned. In general, the visits had positive results. No State had ever complained that its security had been compromised during such visits.

JACQUELINE WESTERCAMP, of the International Federation of Action of Christians for the Abolition of Torture, said that last year alone her organization intervened in cases of torture in 90 countries. Those cases involved 2,377 persons and 79 groups of persons, who had either been victims or objects of torture. As to the project of elaborating a protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it was an important question that the Commission should study at its next session. Reports of torture of detainees in Turkey, Romania, Rwanda, the Central African Republic, Mauritania and Brazil were worrying. The Federation had dealt with 80 cases of disappearances in Colombia, Guatemala, Peru, the Philippines, Sri Lanka and East Timor.

SERGUEI KOVALEV (Soviet Union) recalled that his country was actually undergoing many judiciary reforms. The entry into force of the Convention against Torture was achieving its goal in the Soviet Union. Torture, an odious phenomenon in the history of the world, should be challenged and avoided once and for all. He appealed to those countries which had not yet acceded to the Convention to do so. National practices to combat torture should also be supported by international co-operation.

Although it had been decided to extend the mandate of the Special Rapporteur on torture, he said, the creation of another post should avoid duplication of work. With regard to enforced disappearances, the creation of a well-structured judicial system was necessary to promote the fundamental rights of persons. Such measures had been undertaken in the Soviet Union, but the general economic situation did not make it possible to improve as quickly as desired. The country was rehabilitating persons who had suffered because of the legal norms and laws of the past.

MARIE-LAURE BECK-HENRY, of the World Movement of Mothers, said her organization had followed world events with interest and welcomed the

Commission's efforts to wipe out the long-standing hatred which led to atrocities. The World Movement, supported by the Charter of the Mother, denounced the arbitrary acts by the men who maintained their power through violent means. Mothers, as bringers of life, knew the cost of violence and called for the resolution of conflicts without resort to force. As nations progressed, the human element should come more to the fore. As mothers, the Movement wanted to see greater importance placed on preventive measures such as educating to respect life, the family and the sharing of resources, not only material but also cultural and spiritual. That went beyond political and religious fanaticism.

ESTELA BARNES DE CARLOTTO, of the International Movement for Fraternal Union among Races and Peoples, expressed her overwhelming concern over the war in the Gulf and appealed to those involved to take steps to restore peace and protect children and civilians. The Commission should turn its attention to Argentina, where the dramatic situation of thousands of children had not yet been elucidated. The present Government had taken few measures to identify children separated from their true parents during the dictatorship. During that time, 30,000 persons had been tortured and assassinated. Some of those responsible for these crimes had recently been released from prison.

HECTOR VILLARROEL (Philippines) asked what the visits carried out by the Working Group on Disappearances and the Special Rapporteur on torture had done for the Philippines. The report of the Working Group did not illuminate the human rights situation there. It was appalling that the report described the violence in the country as a social conflict so that the military handling of it could be faulted as excessive. The report claimed that the armed conflict had blocked political development.

It was true that the armed conflict was a factor in the situation of continuing human rights violations, he said. That was crucial to an understanding of the Government's readiness to correct human rights flaws. That readiness had not even been mentioned in the report. The report of the Special Rapporteur on torture revealed a better understanding of the complex human rights situation in the Philippines. In his report, he did not doubt the genuine commitment of the Government to promote and protect human rights.

ALAIN LESTOURNEAUD, of the International Union of Lawyers, recalled that last year the Union had intervened in 25 countries to defend other lawyers. The cases involved mainly violation of the individual rights of lawyers. The violations included the application of collective measures against lawyers, particularly by enacting legislative measures which refrained them from exercising their defence role in the judicial process. Between July 1989 and June 1990, 430 jurists in 44 countries had been victims of persecution because of their profession; 67 had been assassinated, 165 imprisoned and 107 had been victims of aggression or threats.

Right of Reply

SABIKAH AL-ABDUL-RAZZAQ (Kuwait) said Iraq had been unable to refute the Kuwaiti delegation's assertions of gross human rights violations committed by

the Iraqis in Kuwait. In saying that the Kuwaitis were being treated like Iraqis, the Iraqi delegate had been absolutely truthful. Iraq was a dictatorship. It was no wonder so many Iraqis were escaping that country's totalitarianism.

She said that she had personally experienced the Iraqi terror tactics for two months, and challenged the Iraqi Government to allow ICRC into Kuwait immediately.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/222
19 February 1991

HUMAN RIGHTS COMMISSION ADOPTS RESOLUTION ON PALESTINIAN AND OCCUPIED ARAB TERRITORIES AND ON RIGHT TO SELF-DETERMINATION

GENEVA, 15 February (UN Information Service) -- The Commission on Human Rights adopted a resolution today condemning the policies and practices of Israel in the Palestinian occupied territories, and in particular acts such as the massacre at the Al-Aqsa Mosque in October 1990.

The Commission also adopted a number of resolutions on the question of the violation of human rights in the occupied Arab territories, including Palestine, and on the question of the realization of the right to development.

The Commission then resumed its debate on the question of the human rights of all persons subjected to any form of detention and imprisonment.

The following participated in the debate: Centre Europe-Tiers Monde, World Federation of Trade Unions, International Human Rights Law Group, Minority Rights Group, International League for the Rights and Liberation of Peoples, International Association of Educators for World Peace and the Commission of the Churches on International Affairs. Cuba exercised its right of reply.

Action on Occupied Arab Territories

Regarding the question of the violation of human rights in the occupied Arab territories, including Palestine, the Commission condemned the policies and practices of Israel, which violated the human rights of the Palestinian people in the Palestinian territory occupied by Israel with military force, including Jerusalem, and, in particular, such acts as the opening of fire by the Israeli army and settlers on Palestinian civilians that resulted in killing and wounding them. The Commission said this has happened continuously since the eruption of the Palestinian people's intifadah against Israeli military occupation, and as took place in the massacres of 20 May 1990 in Rishon Letzion and in the Al-Aqsa Mosque on 8 October 1990. In addition, the Commission condemned the imposition of restrictive economic measures; the demolition of houses; the ransacking of real or personal property belonging individually or collectively to private persons; collective punishment; arbitrary and administrative detention of thousands of Palestinians; the

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confiscation of the property of Palestinians, including their bank accounts; the expropriation of land; the prevention of travel; the closure of universities and schools; the perpetration of crimes of torture in prisons and detention centres; and the establishment of Jewish settlements in the occupied Palestinian territory. It also affirmed the right of the Palestinian people to resist the Israeli occupation by all means, in accordance with relevant United Nations resolutions. The Commission called once more upon Israel to desist from all forms of violations of human rights in the Palestinian and other occupied Arab territories and to respect the principles of international law, and its commitments to the provisions of the Charter; and called upon Israel to withdraw from the Palestinian territory, including Jerusalem, and other occupied Arab territories in accordance with the resolutions of the United Nations and the Commission on Human Rights in this regard.

The Commission strongly condemned once more Israel's refusal to apply the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, to Palestine and the Arab territories occupied since 1967 and to their inhabitants, and Israel's policies of ill-treatment and torture of Palestinian detainees and prisoners in Israeli prisons in contravention of the resolutions of the Security Council, the General Assembly and the Commission on Human Rights. The Commission also strongly condemned Israel for its grave violations of article 49 of the Fourth Geneva Convention, for its continuation of a policy of deportation of Palestinian citizens and their expulsion outside their homeland and called upon Israel to comply with the resolutions of the Security Council, the General Assembly and the Commission on Human Rights which provide for their return to their homeland, and to desist forthwith from this policy. It decided to consider the question at its forty-eighth session as a matter of high priority.

Part A was adopted by a roll-call vote of 28 in favour, 1 against, with 10 abstentions. The vote was as follows:

In favour: Argentina, Austria, Bangladesh, Brazil, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, India, Indonesia, Iraq, Madagascar, Mauritania, Mexico, Morocco, Pakistan, Philippines, Senegal, Swaziland, Sweden, Ukraine, Soviet Union, Venezuela, Yugoslavia and Zambia.

Against: United States.

Abstentions: Australia, Belgium, Canada, Czechoslovakia, France, Germany, Hungary, Italy, Japan and Portugal.

Part B was adopted by a roll-call vote of 26 in favour, 1 against, with 11 abstentions. The vote was as follows:

In favour: Argentina, Bangladesh, Brazil, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, India, Indonesia, Madagascar, Mauritania, Mexico, Morocco, Pakistan, Philippines, Senegal, Swaziland, Sweden, Ukraine, Soviet Union, Venezuela, Yugoslavia and Zambia.

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Against: United States.

Abstentions: Australia, Austria, Belgium, Canada, Czechoslovakia, France, Germany, Hungary, Italy, Japan and Portugal.

In reference to the situation in occupied Palestine, the Commission strongly condemned Israel for its continued occupation of the Palestinian territories, which constitutes the main obstacle to the exercise by the Palestinian people of their national rights, foremost of which is their right to free self-determination on their national soil; and called upon Israel to comply with its obligations under the Charter and to withdraw from the territories which it had occupied since 1967, including Jerusalem.

The Commission urged all States, United Nations organs, specialized agencies and other international organizations to extend their support and assistance to the Palestinian people through their representative, the Palestine Liberation Organization, in their struggle to recover their rights and to liberate their land from Israeli occupation; requested the Secretary-General to transmit the present resolution to the Government of Israel with a view to its implementation; and decided to include this item in the provisional agenda of its forty-eighth session as a matter of high priority. This resolution was adopted by a roll-call vote of 29 in favour, 1 against, with 12 abstentions. The vote was as follows:

In favour: Argentina, Bangladesh, Brazil, Burundi, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, India, Indonesia, Iraq, Madagascar, Mauritania, Mexico, Morocco, Pakistan, Panama, Peru, Philippines, Senegal, Swaziland, Ukraine, Soviet Union, Venezuela, Yugoslavia and Zambia.

Against: United States.

Abstentions: Australia, Austria, Belgium, Canada, Czechoslovakia, France, Germany, Hungary, Italy, Japan, Portugal and Sweden.

As for human rights in the occupied Syrian Arab territory, the Commission strongly condemned Israel for its refusal to comply with the relevant resolutions of the General Assembly and the Security Council in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan was null and void and demanded that Israel rescind forthwith its decision; condemned the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Arab Golan; and emphasized that displaced persons of the population of the occupied Syrian Arab Golan be allowed to return to their homes and to recover their properties.

The Commission determined that all legislative and administrative measures and actions taken or to be taken by Israel that purported to alter the character and legal status of the Syrian Arab Golan were null and void, constituted a flagrant violation of international law and of the Geneva

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Convention relative to the Protection of Civilian Persons in Time of War and had no legal effect; strongly condemned Israel for its attempt to impose forcibly Israeli citizenship and Israeli identity cards on Syrian citizens in the occupied Syrian Arab Golan and for its practices of annexation, establishment of settlements, confiscation of lands and diversion of water resources, and imposing a boycott on their agricultural products; called once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to above; and requested the Secretary-General to bring the present resolution to the attention of all Governments, competent United Nations organs, specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to report to the Commission on Human Rights at its forty-eighth session.

This resolution was adopted by a roll-call vote of 32 in favour, 1 against, with 8 abstentions. The United States voted against all three resolutions, after having requested roll-call votes. The vote was as follows:

In favour: Argentina, Austria, Bangladesh, Brazil, Burundi, China, Colombia, Cuba, Cyprus, Czechoslovakia, Ethiopia, Gambia, Ghana, Hungary, India, Indonesia, Iraq, Madagascar, Mauritania, Mexico, Morocco, Pakistan, Peru, Philippines, Senegal, Swaziland, Sweden, Ukraine, Soviet Union, Venezuela, Yugoslavia and Zambia.

Against: United States.

Abstentions: Australia, Belgium, Canada, France, Germany, Italy, Japan and Portugal.

By a resolution on Israeli settlements in the occupied Arab territories, the Commission reaffirmed that the installation of Israeli civilians in the occupied territories was illegal and constituted a violation of the relevant provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949; and regretted that the Government of Israel did not comply with the provisions of resolution 1990/1 adopted by the forty-sixth session of the Commission on Human Rights on 16 February 1990. It urged the Government of Israel to abstain from installing settlers, including immigrants, in the occupied territories. This resolution was adopted by a show of hands. The vote carried 38 in favour, none against and 1 abstention. Commenting on the vote, Israel expressed regret that certain countries were unsupportive of Soviet Jewish migration to Israel despite assurances that these people would not be settled in the occupied territories.

This resolution was adopted by a show of hands. The vote was as follows: 38 in favour, none against and 1 abstention. Israel expressed regret that certain countries were unsupportive of Soviet Jewish migration to Israel despite assurances that these people would not be settled in the occupied territories.

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Situation in Cambodia

By draft decision on the situation in Cambodia, the Council decided, without a vote, to keep the situation in Cambodia under review at its next session.

Situation in Afghanistan

On the situation in Afghanistan the Commission emphasized the importance of the Agreements on the Settlement of the Situation Relating to Afghanistan, concluded at Geneva on 14 April 1988, under United Nations auspices; called for the faithful implementation of the Agreements by all parties concerned; and reaffirmed the right of the Afghan people to self-determination and to determine their own form of government and to choose their economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever.

The Commission emphasized the need for an early start of the intra-Afghan dialogue for the establishment, through democratic procedures acceptable to the Afghan people of a broad-based Government to ensure the broadest support and immediate participation of all segments of the Afghan people. It called upon all States to provide adequate financial and material resources to the Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan; and decided to consider the question at its forty-eighth session. This resolution was adopted by consensus.

Western Sahara

With regard to the question of Western Sahara, the Commission reaffirmed that the question of Western Sahara was a matter of decolonization which remained to be resolved on the basis of the exercise by the people of Western Sahara of their inalienable right to self-determination and independence; emphasized the importance of the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y Río de Oro (POLISARIO) to the joint proposals of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity (OAU) and the Secretary-General of the United Nations to hold a referendum for self-determination of the people of Western Sahara, organized and supervised by the United Nations in co-operation with the OAU.

The Commission welcomed the efforts of the current OAU Chairman and the Secretary-General to promote a just and lasting solution of the question of Western Sahara, in accordance with General Assembly resolution 40/50 of 2 December 1985.

It welcomed the progress achieved through the joint good offices process and urged the current OAU Chairman and the Secretary-General to continue and intensify their efforts to resolve outstanding problems and thereby to create the conditions necessary for holding a referendum for self-determination of the people of Western Sahara, without any administrative or military

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constraints, organized and supervised by the United Nations in co-operation with the OAU.

The Commission expressed its conviction that continuation of the direct dialogue between the two parties to the conflict could contribute to the successful conclusion of the joint good offices process of the current OAU Chairman and the United Nations Secretary-General to the restoration of peace in Western Sahara, and to the stability and security of the region as a whole. It also associated itself with the appeal made last year by the General Assembly to the Kingdom of Morocco and the POLISARIO Front to display a spirit of co-operation and the political goodwill necessary to ensure the success of the joint good offices process of the OAU Chairman and the Secretary-General. This resolution was also adopted by consensus.

Statements on Detention, Imprisonment

MIKAEL DAHL (Sweden) said that since its creation, the Working Group on disappearances had been an important mechanism in drawing international attention to the practice of enforced or involuntary disappearances. The Working Group's report gave a horrifying and a visually concrete picture of this phenomenon. It also dealt with amnesties to persons involved in disappearances, and impunity. These other two phenomena constituted a serious threat to United Nations efforts to combat disappearances.

Over 20,000 cases in around 45 countries had come to the attention of the Working Group, he said. In Iraq, some 2,410 people had disappeared, mostly persons of Kurdish origin. In Colombia, Iran, Peru and Sri Lanka, the number of disappearances seemed to be increasing. Sweden appealed to those countries to undertake firm measures to bring an end to this occurrence and to immediately initiate thorough investigations of the high number of unresolved cases of the past. This appeal also applied to Argentina, El Salvador and Guatemala.

Torture as reported by the Special Rapporteur, was most frequently practised during incommunicado detention, he said. This kind of detention should be declared illegal and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment should be fully respected in practice. Among the countries which had not responded to urgent appeals from the Special Rapporteur were Commission members Peru and Somalia. The struggle against torture should also include assistance to the victims of such practices. The Swedish Government attached great importance to the United Nations Voluntary Fund for Victims of Torture and had contributed to the Fund since 1981.

CHRISTIANE PERREGAUX, of the Centre Europe-Tiers Monde, stated that a declaration on disappeared persons should be closely examined by the Commission at this session. Particular attention should be drawn to the situation of the people of Western Sahara, who were, in effect, living in a state of disappearance. The Moroccan Government had been asked several times for explanations but no answers had been forthcoming. Without constant efforts one would never be able to give justice to those disappeared and

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imprisoned, or to their families. The Centre demanded that the Commission undertake all possible efforts in order to allow organizations defending human rights to be able to visit Morocco and the occupied zones of Western Sahara to investigate, among other things, the problem of the disappeared.

DANIEL RETUREAU, of the World Federation of Trade Unions, said that once again there was a long list of names to add to the already long list of disappeared persons. In El Salvador, some 7,000 persons had disappeared in the course of the internal war and through the activities of the death squads. Many of the victims had been trade unionists. In Iran, there were continued arrests and arbitrary detentions. In the past 10 years some 90,000 persons had been condemned summarily and executed for political and ideological reasons. Political prisoners were held in preventive detention without any possibility of judiciary review. They were subjected to torture and ill-treatment.

There was evidence of state terrorism perpetrated against Iranian dissidents both in Iran and outside the country, he said. In Haiti there were some 12,000 disappeared persons. It was hoped that with the new, democratically elected President, Haiti would address this issue urgently. In Argentina, it was regrettable that the Government had granted an amnesty to officers who had been implicated in the disappearances of some 30,000 persons. In Indonesia, there were political activists and trade unionists who had been incarcerated for 20 years. In the Philippines, trade unionists were still threatened and there was a continued repression of their activities and their right to strike. In Morocco, there was repression of the people of Western Sahara. Even family members of those involved in the liberation movement had been detained as hostages.

MARC ZUCKERMAN, of the International Human Rights Law Group, said that the imprisonment and trials of pro-democracy activists in China from the 1970s to the present revealed a consistent pattern of gross and reliably attested violations of basic human rights. The arrests, detention, trials and sentencing of pro-democracy activists fell far short of minimum international recognized standards, and constituted punishment for the peaceful expression of political opinion.

In Africa, he said, Kenya's judicial system remained subject to coercion from the President and the KANU, the country's sole legal political party. A 1990 amendment had revised a 1988 constitutional provision giving the President power to suspend judges at will. In October 1990, two attorneys for human rights activists had been imprisoned and charged with treason. Repeated complaints of torture had brought no independent inquiries. Contrary to constitutional provisions, prisoners alleging violations of human rights had been denied access to the High Court. The Commission should call upon the Governments of China and Kenya to act in conformity with international standards of judicial independence and fair legal process.

ALAN PHILLIPS, of the Minority Rights Group, expressed concern about the continuing practice of the detention and imprisonment of asylum-seekers in some European States, and called for effective monitoring and remedial

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action. Refugees were often from minority groups who had suffered persecution in their home States and had to seek asylum elsewhere. Although some European countries had legal provisions for detention of asylum-seekers, it was extremely difficult to determine the numbers of such detainees. Asylum-seekers and refugees were not criminals and they should not be detained or subjected to unreasonable restrictions in their movements.

The Commission should direct all European Governments to treat asylum-seekers and refugees in a fair and non-discriminatory manner, and that those States who continued to detain asylum-seekers ensure that they maintained the strictest legal safeguards and modify their practices to comply with the 1951 Geneva Convention and the 1967 Protocol, Conclusion No. 44 (XXXVII) and human rights standards within the United Nations system and the Council of Europe, he said.

VERENA GRAF, of the International League for the Rights and Liberation of Peoples, welcomed the creation of a Minister of Rights and Freedoms of Zairean Citizens in Zaire. However, despite this and numerous official promises, the number of cases of imprisonment and detention without trial, ill-treatment and the violation of freedom of expression had increased in Zaire during the last three years. Secret detentions and condemnation to internal exile had not been abolished. The Zairean security forces had continued to use extreme violence against peaceful demonstrations and political opponents with total impunity. There were numerous cases of arrests, ill-treatment, kidnappings, forced repatriations, and the massacre of students in Lumbumbashi in May 1990. The authorities pretended that the massacre had been the consequence of an intra-student feud, while in reality it had been committed by a special Presidential division of the Zairean armed forces.

ALFREDO MUSTELIER NUEVO, of the International Association of Educators for World Peace, said he had spent more than 20 years in Cuban prisons where he had been tortured and ill-treated. There were other cases, such as that of one Mario Chanes, who had been a political prisoner for 29 years. Torture was not just a political and physical phenomenon in Cuba, but was widespread throughout the society, culturally and psychologically. The members of the Commission should show solidarity with those who were still suffering under torture and not become silent witnesses and accomplices to the torturers.

MIGUEL TALAVERA, of the Commission of the Churches on International Affairs, said he was concerned about the human rights violations associated with detention, torture of prisoners and enforced disappearances in the Philippines, South Korea and Peru. In the Philippines, the 9 July 1990 decision by the Supreme Court allowed the police to arrest persons without a judicial warrant on the basis of suspicion of subversion or rebel activity. Churches in the Philippines interpreted warrantless arrests as a de facto return to martial law. The report on the Philippines produced by the Working Group on Enforced Disappearances was welcomed and the Commission should ensure adequate follow-up to the recommendations outlined in that report.

In South Korea, he went on, as of 30 November 1990, the Human Rights Committee of the National Council of Churches in Korea had reported 1,746

prisoners of conscience officially arrested in 1990, an average of more than five persons per day. In Peru, according to Government figures, more than 20,000 people, the majority of whom were civilians, had lost their lives in politically motivated violence since 1980. The Commission should appoint a special expert or rapporteur to Peru.

Right of Reply

RAUL ROA KOURI (Cuba) stated that Alfredo Mustelier Nuevo, of the International Association of Educators for World Peace, had been condemned to 25 years in prison for murder and acts against the State. He had stolen weapons and assaulted troops and had attempted to leave Cuba illegally. While being transported to Havana he had murdered an officer. While in prison he had attacked fellow prisoners. Torture did not occur in Cuba as was proved by an investigation by the Committee against Torture.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/223
19 February 1991

HUNGARY'S MINISTER OF FOREIGN AFFAIRS TELLS HUMAN RIGHTS COMMISSION HIS GOVERNMENT READY TO HOST HUMAN RIGHTS WORLD CONFERENCE

Commission Continues Debate on Human Rights of Detainees

GENEVA, 18 February (UN Information Service) -- The Minister for Foreign Affairs of Hungary, Geza Jeszenszky, announced to the Commission on Human Rights today his Government's willingness to host the 1993 World Conference on Human Rights envisaged by General Assembly resolution 45/155.

Speaking to the human rights body as it began the last half of its forty-seventh session, the Foreign Minister reiterat his Government's condemnation of the Iraqi invasion of Kuwait, characterized the use of force by Soviet forces in the Baltic Republics as "at variance with the obligation undertaken in the Charter of Paris" and said attention should continue to be focused on the situation of the Hungarian-speaking minority in Romania.

The Commission then resumed its debate on the question of the human rights of all persons subjected to any form of detention or imprisonment.

The following delegations participated in the debate: Italy, Gambia, New Zealand, Norway and Switzerland. Non-governmental organizations participating were: International Education Development Inc., Service of Justice and Peace in Latin America, Movement against Racism and for Frienndship Among Peoples, Liberation, the International Association against Torture and the Christian Democratic Party.

Morocco, Iraq and Cuba exercised the right of reply.

Statement by Hungarian Minister for Foreign Affairs

GEZA JESZENSZKY, Minister of Foreign Affairs of Hungary, said that despite the fact that the dreams of a new world order had been shaken by the events in the Gulf region, Hungary believed that once the war was over, the solidarity, wisdom and strength of the global community would enable the building of the world that appeared as a possibility in 1989-1990. For its part, Hungary was among the States that had ratified the largest number of

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human rights instruments. The country accepted the competence of all committees of the United Nations that dealt with violations of human rights. It was indeed a lesson of history to recall the undeniable legitimacy of the United Nations in keeping the Hungarian question on its agenda following the suppression of the 1956 revolution.

The list continued with human rights violations by numerous military dictatorships, such as in Poland in the early 1980s and more recently in Afghanistan, Iran, El Salvador, Myanmar, Cuba, Romania, Iraq and occupied Kuwait. The Foreign Minister reiterated his Government's condemnation of Iraq's aggression against Kuwait. In the Gulf conflict it was unacceptable that Iraq did not respect the fundamental rules of humanitarian law regarding the treatment of prisoners of war. Iraq should comply fully with the relevant resolutions of the Security Council, he said.

The Hungarian Parliament as well as the Government had condemned the use of force in the Baltic Republics, he continued. The actions of Soviet forces, which Hungary understood had been unauthorized, were at "variance with the obligations undertaken in the Charter of Paris".

Turning to the situation of the Hungarian minority in Romania, the Minister said that despite improvements, the report of the Special Rapporteur on Romania shed some light on the continuing violation of human rights there. It highlighted unresolved problems of the minorities such as inadequate access to education in their mother tongues, especially at high-school and university levels. The attention and help of the international community was still needed in that regard.

Hungary was conscious of the leading role of the United Nations and, in particular, the Commission on Human Rights, in promoting and safeguarding human rights and fundamental freedoms. In order to contribute to those efforts, the Hungarian Government was ready to host the World Conference on Human Rights of 1993 in Budapest. "We would feel greatly honoured if the United Nations chose our capital for the venue of that important world event", he said.

Statements in Debate

FRANCESCO MEZZALAMA (Italy) referred to the report by the Special Rapporteur on Torture which made certain reference to alleged cases of ill-treatment inflicted upon people arrested in Italy in 1988. The Italian Government had provided the Rapporteur with the information requested. Italy welcomed the initiative to consider the possibility of creating a special sub-committee to visit places of detention. Furthermore, Italy had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and was also in agreement with the conclusions of the report of the Working Group on Enforced and Involuntary Disappearances.

Impunity for persons involved in disappearances was an offence which violated existing international instruments, he said. The working group on the protection of individuals or organizations that co-operated in

investigations of cases of disappearances should be given greater support and a more specific mandate.

PAUL WAKELEY, representing International Educational Development Inc., said torture, death and disappearances of those arrested and detained or held in refugee camps by the Sri Lankan Government continued with alarming regularity. In the eastern segment of the north-east province alone, 4,000 persons had died or disappeared within the last six months while in the custody of the Sri Lankan Government. On 26 September last year, the army had arrested 50 peasants in Thampiluvil village in the Amparai district. Every one of them had disappeared without a trace. On 6 December, 76 Tamils were taken by the army from Neelavanai to the army camp in that village; they too were tortured and killed. In China, citizens had been arrested and detained shortly after 4 June 1989 for exercising their fundamental freedoms of expression and assembly. Many arrests had occurred without warrants, and many citizens had simply disappeared. In many cases, next-of-kin had not been notified of the arrests until over a year later. The place of detention was never disclosed and no contacts with detainees were allowed.

RAMON CUSTODIO LOPEZ, of the Service Justice and Peace in Latin America, referred to torture as part of the normal procedure in investigations and interrogations in some States. In Honduras, he said, there had been 96 cases of torture in 1990. The report presented by the armed forces of Honduras was farcical. While forced and involuntary disappearances were a crime against humanity, it was not specifically defined as such either by national legislations or by any declaration or convention. Peru remained the State with the highest number of disappearances. The right to freedom of opinion and expression continued to remain a privilege in some States. It simply was insufficient that some States' representatives merely promised to respect human rights. Two cases in point were Guatemala and Honduras, which, notwithstanding international praise and advice, continued to violate human rights.

ETIENNE TSHISEKEDI WAMULUMBA, of the Movement against Racism and for Freindship among Peoples, said he had experienced torture in Zaire over a period of 11 years. The system of torture in that country aimed at destroying the dignity of the individual. Despite the political liberalization announced on 24 April 1990, maltreatment against people who attempted to join political parties continued. People who organized political meetings had been victims of police brutality.

DONACIANO GOMES, another speaker from the Movement against Racism and for Friendship among Peoples, said that in East Timor numerous Timorese had been imprisoned and tortured in preparation for the 1989 visit of Pope John Paul II to that island. The Commission should call upon the Indonesian Government to stop the repression in East Timor.

ANTON PONRAJAH, of Liberation, said there was evidence of massacres, atrocities and mass arrests following a year of disturbances in Aceh, North Sumatra (Indonesia). The military commander of North Sumatra had made it clear that killing rebels of the Free Aceh Movement was official policy.

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There had been horrifying discoveries of mass graves and unidentified corpses. Many forms of torture were being applied against the Movement. The Indonesian Government should instruct its security forces in Aceh to end the arrests, torture and killings; to publish a list of all those arrested and detained; to investigate reports of summary executions and disappearances; and to allow a team of independent observers to visit the regions of Aceh and East Timor. In Sri Lanka, he added, the plight of detainees in the North-East province continued to deteriorate. There were reports of detentions, disappearances, abductions, torture and rapes. The Sri Lankan Government should cease such human rights violations immediately.

DAVID KALKE, representing the International Association against Torture, stated that the United States had political prisoners and that their human rights were being violated. A group of white North American revolutionaries, who became known as the Ohio 7, were captured by the Federal Bureau of Investigation (FBI) in 1985 after a 10-year search. They were eventually tried and convicted of bombing and conspiracy to bomb unoccupied military installations and corporations in protest of United States incursions in the Americas and its support of South Africa. The Black Men's Movement against Crack begun in 1986 as a vehicle to organize the New York City black community to resist the spread of a new form of cocaine was a target of police harassment. The United States law enforcement and criminal justice systems abused their mandates in their determination to function as unacknowledged political police and to use star-chamber methods. The pursuit of political activists until they could be set up and accused of criminal offenses was a continuation of the counter-intelligence programme used by FBI against both the black and native american liberation movements.

CECILE SLESZYNSKA, of the Christian Democratic International, commended the report of the Working Group on Enforced and Involuntary Disappearances, especially its comments regarding the Philippines. It was noted that 80 per cent of the cases detailed in that report had occurred in Latin America. Problems of mass disappearances seemed to occur in countries with insurrection movements where grievances lay in ancient regional injustices. Insurrection movements led to paramilitary organizations, which then became death squads employed to settle scores or deal with collaborators. In order to fight those violations of human rights there should be reconciliation between all the sides involved in conflicts. The international community should not support impunity as it ultimately led to human rights violations. A document of the Conference of Filipino Catholic Bishops suggested possible solutions to problems which existed in countries of the third world; this report should be brought to the attention of all.

BABOUCARR I. JANGE (Gambia) said it could hardly be believed that some countries still resorted to torture. That it was done out of ignorance of relevant international instruments prohibiting torture was an understatement. The Gambia fully supported the idea of intensifying the campaign against torture, as suggested by the Special Rapporteur.

He expressed concern about the situation of some United Nations staff members under arrest, detention and imprisonment in certain countries. That

was both unacceptable and reprehensible. Regarding the work of the Working Group on Enforced or Involuntary Disappearances, those Governments which had co-operated with the Group deserved to be commended and encouraged to continue that most useful dialogue. Those Governments which had not seen it fit to co-operate should reconsider their position. It was a good sign that actions taken against disappearances since 1980 were apparently paying dividends. But vigilance should not be relaxed.

JEAN-DANIEL VIGNY (Switzerland), refering to the report on enforced and involuntary disappearances, said it was to be welcomed that some States had authorized visits by the Working Group in situ. Full co-operation should be accorded to the Group by those States and follow up visits were to be encouraged. All human rights bodies should act urgently against the intimidation of persons active in fighting human rights violations. Domestic laws pertaining to impunity could be justified even though amnesty for those responsible risked contributing in the future to the phenomenon of disappearances. The adoption of an instrument to protect persons against enforced or involuntary disappearance would constitute an important international instrument to protect victims, their families, non-governmental organizations and all acting to combat that scourge.

He said administrative internment without trial required a special rapporteur whose mandate would be the collection of information. A body of independent experts who would investigate allegations of torture, as recommended by the Special Rapporteur on Torture, Mr. Kooijmans, should also be set up. More than 50 States were concerned with those allegations. Everything should be done to reduce that world-wide phenomena.

CAROLINE BILKEY (New Zealand) called torture was "the absolute denial of the inherent dignity of the human person". Despite an impressive legal infrastructure established at the international level, a concerted effort to implement the provisions of those instruments which prohibit torture was still needed, she said. Ignorance of the law was certainly no excuse, but States had a responsibility to ensure that law enforcement personnel were made aware of the obligation to respect the physical and mental integrity of detainees. They should also be convinced of the penalties they would face if they breached that obligation. Education programmes on human rights should be an essential part of training of law enforcement officers. The Centre for Human Rights should be commended for its efforts under the advisory services programme to assist in the educative process. All States, by virtue of their acceptance of the United Nations Charter, had undertaken to promote universal respect for human rights and fundamental freedoms.

HAAKON HJELDE (Norway) said the Commission's deliberations on torture and disappearances constituted a paradox. Torture and disappearances were fundamental violations of human rights while the Commission also occupied itself with more advanced matters of far less relevance to a person's dignity as a human being. Progress in the human rights arena certainly was relative. The Norwegian Government noted the discrepancy commented upon in the Special Rapporteur's report of some States which endorsed the international campaign against torture while they practised or condoned it at home. The concern

expressed by the Working Group regarding a perceived tendency in new democracies to grant impunity to agents of former régimes responsible for enforced or involuntary disappearances was echoed by Norway. Some Governments had exihibited a lack of co-operation in preventing torture and disappearances in their States. All appeals by the Special Rapporteur or Working Group should be immediately replied to. A case in point was the matter of Koigi Wa Wamwere, leader of Kenya's Patriotic Front, who had been detained last year.

Rights of Reply

ABDUL AL-KADHI (Morocco) rejected the statements made by both the International Federation of Human Rights and the Centre Europe-Tiers Monde concerning Western Sahara as having been made in bad faith. The accusations that were attributed to his country concerning cases of enforced disappearances were not founded on facts. Those non-governmental organizations were simply branches of the Saharan movement. The 400 cases of disappearances allegedly presented by the families of the disappeared were not known to his country. The statements did not reflect the actual situation in the region.

ABDUL AL-KADHI (Iraq) said it was regrettable that the Hungarian Minister of Foreign Affairs, in his reference to respecting international instruments and conventions, had not taken a balanced approach. He should have asked the United States and its allies to respect the Fourth Geneva Convention, which they had violated in bombarding civilian and religious institutions in Iraq. Furthermore, the Security Council resolutions to which he had referred had been brought about under pressure. The real cause of the "dirty war" was the rejection by the United States and its allies of various previous Security Council resolutions. Hungary should operate in the future according to more objective criteria.

MARIANELA FERRIOL (Cuba) said she regretted that the Foreign Minister of Hungary had denounced her country. It was also regrettable that Hungary had denounced socialism. The two countries had nothing in common.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/224
19 February 1991

COMMISSION CONTINUES DEBATE ON HUMAN RIGHTS OF DETAINEES

Sudanese Minister for Human Rights Makes Statement

GENEVA, 18 February (UN Information Service) -- The Sudanese Minister in Charge of Human Rights, Abed Al Samie Omer, told the Commission on Human Rights this afternoon of his Government's commitment to ending the war in southern Sudan and addressed the issue of human rights in his country.

Also this afternoon, the Commission continued to debate on the question of the human rights of all persons subjected to any form of detention or imprisonment.

Statements were made by the representatives of Ireland, Egypt, Sudan, Belgium, China, Portugal and Peru, and by the following non-governmental organizations: World University Service, International Organization for the Development of Freedom of Education and Pax Romana.

Statements in exercise of the right of reply were made by the rpesentatives of the Republic of Korea and Sri Lanka.

Sudanese Minister's Statement

Mr. OMER, Minister in Charge of Human Rights of the Sudan, said his country recognized the contribution that the Commission was making in the promotion of human rights and justice world-wide. The primary mission of the United Nations was the promotion of understanding among people from various cultural, religious and racial backgrounds. In the Sudan, there was a serious security problem. The country was in a state of war which the Government was committed to ending. It was, therefore, understandable that conditions in the country were difficult. None the less, the Sudan had continued its human rights campaign and released most political prisoners since the start of the revolution in June 1989.

The Sudan, he continued, allowed trade union activities and the formation of political groups. Women, in particular, had access to all aspects of political life. Every effort was being made to ensure equal rights and

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justice, including the appointment of more judges and the introduction of a new penal code. That new code specifically prohibited torture and other inhuman treatment, and guaranteed rights of minors and old people. The Government was dedicated to achieving peace in the south of the country. Food aid to the country would not be subject to taxations by customs. Human rights could be freely assessed by non-governmental organizations in the Sudan.

He welcomed the improvement of the situation in South Africa, and urged that international pressure be maintained until the minority Government there brought equality and justice to all the people. Meanwhile, in the occupied Arab territories, Israel had continued to violate international law in its treatment of the Palestinian people. The Gulf crisis required a just and equitable Arab solution through peaceful negotiations. The recent initiative of Iraq should be taken seriously in an effort to facilitate a peaceful settlement of all the problems of the region.

Statements in Debate

COLM O'FLOINN (Ireland) said the Working Group on Disappearances continued to be innovative, both in terms of its working methods and its reporting. While the trend of disappearances since 1973, when the Working Group started its work, pointed downwards, the accumulated caseload since 1980 amounted to nearly 20,000 cases of disappearance, and in the past year a total of 987 newly reported cases had been transmitted to Governments. Those figures probably substantially underestimated the extent of the problem. The abuse represented by enforced disappearance was compounded in many circumstances when the relatives and friends of the victim were themselves targeted for reprisals. Ireland welcomed the extensive co-operation described in the report between non-governmental organizations and the Working Group. The role of non-governmental organizations in complementing and supporting the efforts of immediate relatives and friends of victims of disappearance was vital in such cases.

ALEYA ABOUL-EZZ (Egypt) said his country recognized the right of peoples to live in freedom and liberty. All citizens were equal before the law and had the same rights. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment formed part of Egyptian common law. Egypt believed that all countries should jointly shoulder the burden of trying to uphold fundamental human rights particularly with regard to the use of torture. Attention should be drawn to the plight of the people who were being unlawfully held by Israel in the occupied territories. That deplorable situation should be stopped.

XIMENA ERAZO, of the World University Service, said she was deeply concerned that torture and forced disappearance had continued unabated in Guatemala. There was evidence that the Government had done nothing to investigate the fate of disappeared persons. In neighbouring El Salvador, despite the negotiating process between the Government and the Farabundo Marti National Liberation Front (FMLN), human rights violations continued. New cases of forced disappearance and the situation of political prisoners testified to this. Physical and psychological torture continued to be common

practice, particularly as regarded political prisoners. More than 100 political prisoners remained in Salvadorian prisons.

In Colombia, she continued, the problem of enforced disappearances had increased during 1990. Between 1981 and 1989, 1,080 cases had been reported, demonstrating that the Government had carried on with practices which favoured the continuation of those atrocious crimes. In Honduras, according to human rights non-governmental organizations, 96 persons had been tortured in 1990. In Western Sahara, hundreds of Saharan men, women and children had been confined to sinister detention centres, completely isolated from the outside world.

NELSON OLIVERO, of the International Organization for the Development of Freedom of Education, said the freedom of thoughts and of religion were recognized by international agreements such as of the International Covenant on Civil and Political Rights. Freedom of expression was at the very base of democracy. Equally, the freedom of teaching was fundamental in any democratic society. Only dictatorial countries tried to control people's mind processes through controlled and censored education. All efforts must be made to ensure that all countries abided by the primary precepts of fundamental freedom of expression.

VICTOR P. KARUNAN and LINUS JAYATILAKE, of Pax Romana, said the question of torture and disappearances in many parts of the world were directly linked to the militarization of the State and its forces of law and order. The continuance of cases of torture and disappearances in countries such as Peru, Colombia and the Philippines was an indication of the destruction of the "human ecology of people", especially among the vulerable sectors of poor peasants, tribal and indigenous peoples, women and children.

They indicated that the years 1989 and 1990 could perhaps be called the darkest in the history of Sri Lanka. During that period, the people of Sri Lanka, especially in the poor north and south, had witnessed mass killings, abduction and disappearances. The emergency regulations in Sri Lanka permited the indefinite detention of suspected "subversives". The emergency had also been used to disperse anti-government demonstrations, even when peaceful. The support of the international community was a crucial factor in deciding the future of the people of Sri Lanka.

PAUL RIETJENS (Belgium) said violations of the basic right to personal security were numerous. They involved questions of torture, forced disappearances, hostage taking and the detention of international civil servants. The basic principles in respect to those problems were well known: no one should be arrested without due recourse to legal aid; arbitrary detention was forbidden; and all legal procedures would have to ensure a just and equitable solution. It was thus surprising that the Commission had set aside only four meetings to the debate of that issue. With regard to the report of the Special Rapporteur on torture, it was unfortunate that more than 25 countries had neither responded nor co-operated in any substantial fashion. The time had come for an international anti-torture campaign to be subjected to the scrutiny of the Special Rapporteur.

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WANG XUEXIAN (China) said the Chinese Government had always been opposed to torture. State functionaries were forbidden to resort to torture, threat or other unlawful means, when collecting evidence on a defendant's guilt or innocence. The absolute majority of Chinese law enforcement officials strictly abided by those regulations. Violation of laws and disciplines was a rare phenomenon, and immediate and resolute measures were taken by goverment and law enforcement organs at all levels to deal with violations as soon as they were discovered.

Recently, he said, the judicial organs of China had brought to trial offenders involved in the Beijing turmoil of 1989. That was the internal affair of a sovereign State. No comment whatsoever from any foreign country, organization or individual on that issue was appropriate. However, all defendants, in addition to exercising the right to defend themselves, had entrusted attorneys for their defence. The criminal procedure law of China had clear provisions on the time limitation of criminal proceedings.

Mr. SANTOS PAIS (Portugal) stated that apart from recognizing that human rights were inherent to the human dignity, or declaring that they should be respected, protected and promoted, history had shown the need for establishing institutions to secure those aims and to give them a real meaning in everyday life. The decision of the Working Group on Disappearances to adopt a "prompt intervention procedure" in cases of intimidation, prosecution or reprisals requiring an immediate action to protect fundamental rights was very important. Portugal welcomed that further improvement of the methods of work of the Working Group, which reaffirmed its determination to reinforce the struggle against enforced or involuntary disappearances.

The question of the independence and impartiality of the judiciary was also a central concern, he said. An important step had been taken towards the consideration of the specific role of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in the area of monitoring, in order to complement and reinforce the standard-setting activities developed by the Crime Branch of the Centre for Social Development and Humanitarian Affairs at the United Nations Office at Vienna. Portugal thought it particularly helpful to foresee the establishment of an information network, providing an ongoing flow of information between Member States, non-governmental organizations and the United Nations.

JAIME STIGLICH (Peru) stated that Peru had carried out elections despite efforts by various guerrilla movements to disrupt them. The Government was dedicated to democracy despite all the obstacles. There had been violations of human rights in Peru, but the perpetrators would be brought to justice according to the law. Peru was trying to dismantle the terrorist organizations. Democracy had allowed a consensus between society and the State. The Government would set up a national commission on human rights to better monitor the situation. The atrocious acts carried out by the Shining Path and other terrorist groups had necessitated an appropriate and adequate response by the Government. The reaction of the forces of law and order had often caused criticism by outside observers, but it was necessary to maintain peace. Peru had outlawed torture and was dedicated to preventing its

occurrence. In an effect to effectively combat terrorism, all such cases would be dealt with by military tribunals.

Rights of Reply

RYANG LEE, observer from the Republic of Korea, said he took exception to the remarks by a non-governmental organization concerning his Government's observance of human rights norms and characterized the statistics cited with regard to detainees as totally misleading. Since 1988 many changes had taken place as far as justice and respect for individual liberties were concerned. Those had not been noted by the organization.

WARNASENA RASAPUTRAM (Sri Lanka) said his Government was very concerned about disappearances and was making every effort to solve the problem. Investigations were continuing and Sri Lanka was ready to co-operate with international efforts in that regard. The Government remained committed to a peaceful solution to the Tamil separatist problem. However, some Tamil groups were refusing to co-operate in efforts to reach a peaceful solution.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/225
19 February 1991

HUMAN RIGHTS COMMISSION CONTINUES DEBATE ON HUMAN RIGHTS AND DETENTION, TORTURE AND ENFORCED DISAPPEARANCES

GENEVA, 19 February (UN Information Service) -- The Commission on Human Rights this morning continued debate on the human rights of persons subjected to any form of detention or imprisonment. Under this item, the Commission also discusses torture and other cruel, inhuman or degrading treatment or punishment as well as enforced or involuntary disappearances.

Participating in the debate were the representatives of Cuba, Austria, Cyprus, India, Senegal, Peru, Venezuela, Poland, Spain, the Netherlands and Chile.

The representatives of Indonesia, Hungary and India spoke in exercise of the right of reply.

Statements

MIGUEL ALFONSO MARTINEZ (Cuba) said the international community's fight against torture should be one of the priorities of the campaign to promote respect for human rights. There was, however, a danger that the rejection of torture could be exploited to present a negative image of certain countries. The Special Rapporteur must be especially careful in that regard. As for enforced disappearances, the draft declaration on the subject by the Sub-Commission on Prevention of Discrimination and Protection of Minorities deserved attention.

The Commission had been concerned for a long time about reprisals against individuals who defended their rights, he said. He cited, as example, the actions taken in the United States against members of the indigenous, black and Latin American minorities. Also of concern was the tendency in certain countries towards the privatization of prisons, which went against the aims of rehabilitating the individual. The importance of separating children and adolescents from adult criminals, while in detention, should be emphasized.

FELIX ERMACORA (Austria) said torture remained a common phenomenon in the world despite the increasing awareness that it was one of the most abhorrent violations of universally accepted human rights standards. He noted that the

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number of government replies to inquiries submitted by the Special Rapporteur had steadily increased and that they supported his recommendations regarding the prevention of torture. Regrettably, some States failed to live up to the commitments accepted under international human rights instruments. The international community should use all means at its disposal to call to account the Governments which tolerated or deliberately used physical or mental torture for obtaining information or for punishing persons.

The practice of intimidation, threats and other forms of reprisals against relatives and human rights groups involved in cases of enforced disappearance was deplorable, he continued. As for human rights in the administration of justice, international standards on that question had been elaborated either by the Committee on Crime Prevention and Control or the Commission. Those instruments, however, often lacked effective implementation on the national level. In addition, they were often not sufficiently known to the authorities who were supposed to apply them.

VANIAS MARKIDES (Cyprus) said torture was aimed at destroying the individual and, as such, was an outright violation of the inherent dignity of man. Emphasis should be placed on promoting co-operation between the international community and individual Governments to remove those causes which encouraged torture, and to adopt preventive measures.

An equally disturbing phenomenon was that of enforced disappearances, he said. The question of missing persons in Cyprus was a tragedy which had always been considered as a purely humanitarian issue, not to be connected with the overall solution of the Cyprus problem. The latest resolution of the Commission concerning human rights in Cyprus had reaffirmed the basic human need of families to be informed about the fate of their missing relatives; but despite that and other resolutions of the United Nations, the Council of Europe and other international bodies, that tragic wound was still open more than 16 years after the invasion of Cyprus. It was disappointing that the Committee on Missing Persons in Cyprus had been unable to shed light on any cases of missing persons.

KAPIL SIBAL (India) said torture was a phenomenon which occurred where administrative detentions were not subjected to scrutiny and where authorities resorted to such detentions without reference to any law. No administrative detention should be enforced without reference to law. In India, law and order were matters for the different states. Any excesses by the enforcement authorities were judged according to a code of conduct. There had been cases where administrative and judicial inquiries had been ordered when a person had died in police custody. Police personnel found guilty of using excessive force rendered themselves liable to exemplary punishment. There was an entire network of safeguards in India to prevent human rights violations and involuntary disappearances. Because of the size and the federal structure of the country, it took longer for the police and prisons to receive information than was the case in smaller countries.

ALIOUNE SENE (Senegal), commenting on the work of the Committee against Torture, urged those States which had not yet ratified the Convention against

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to do so. Only 55 States had ratified the Convention, he observed. The cases of 20,000 disappearances in 45 countries had not yet been clarified. The draft declaration presented to the Commission by the Working Group could be important in protecting persons against enforced disappearances. Senegal employed a multi-party system and a free and independent press. The separation of powers within the State had also been established.

MANUEL RODRIGUEZ CUADROS (Peru) agreed that the question of administrative detention was a complex one, but said such form of detention was not specifically prohibited by international norms. The human rights violations which occurred during such detentions were directly affected by the laws, rules and regulations in force in a particular country. Human rights abuses during administrative detention occurred in all countries, to varying degrees. That form of detention was often necessary when national security was threatened by terrorism, for example. The Working Group should appoint a special rapporteur with a strict legal mandate to deal specifically with the problems surrounding administrative detention.

MARIA ESPERANZE RUESTA (Venezuela) said that in her country there was no death penalty or life imprisonment. The Ministry of Public Affairs was responsible for protecting individuals against the deprivation of their rights. Venezuela had no objection to the proposals submitted by Costa Rica (document E/CN.4/1991/66) on an optional protocol to the Convention against Torture, which envisaged systematic visits to places of detention. She congratulated the Working Group on Enforced or Involuntary Disappearances on its achievements and methods of work.

ZDZISLAW KEDZIA (Poland) said a system of visits to places of detention and imprisonment was necessary to help eradicate the phenomenon of torture. Such a system should construct a psychological barrier to those who would commit torture. The proposed optional protocol to the Convention against Torture did not overlap with the other mechanism provided for by the Convention. It would provide for preventive visits to all countries, irrespective of their human rights records. That proposal deserved attention and consideration.

MERCEDES RICO (Spain) urged those countries which had not ratified the Convention against Torture to do so. It was also important for States to co-operate with the Special Rapporteur on Torture, she said. Those two mechanisms against torture were important. She was worried about the proliferation of arbitrary detention -- a major contributor to torture. Forced or involuntary disappearances were also worrying. That phenomenon denied the individual of dignity and freedom. There were about 20,000 unresolved cases of disappearances known to the Special Rapporteur. Trade unions, student leaders and political opponents were particularly affected by that practice. She shared the view of Special Rapporteur Louis Joinet that it was necessary to establish a mechanism for investigating all arbitrary or abusive detentions.

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ELISABETH TEEKAMP (Netherlands) commended the Special Rapporteur on Torture for his report, which showed that Turkey was encountering difficulties in realizing its commitments regarding torture; that the Sudanese Government had answered to charges of the arrest and torture of about 80 persons, including trade union activists, medical doctors, lawyers and human rights activists; that the Republic of Korea had been informed by the Rapporteur about hundreds of cases involving trade union activists, students and political dissidents detained since April 1989, and allegedly tortured; and that urgent appeals had been sent to Myanmar on several occasions, mostly with respect to activists of the National League for Democracy or leaders of the Democratic Party.

The Government of Iraq, she said, had received an urgent appeal concerning the arrest and alleged torture of Kuwaiti citizens. It was well known that the Iraqi occupying forces perpetrated acts of torture. In India, there had been inquires into several cases of ill-treatment which had been judged to be well founded. The judicial system did offer victims a remedy, although the court left it to them to move the appropriate civil or criminal courts for suitable action, including compensation and criminal prosecution. Impunity was perhaps the single most important factor contributing to the phenomenon of disappearances as well as torture.

RADOMIRO TOMIR (Chile) said human rights had been violated in his country for a long time. With the installation of a new regime, Chile was recovering from its past sufferings. Since the birth of the new democracy, a state of law had been instituted. To the charge by one non-governmental organization that there had been 24 cases of torture in Chile since March 1990, he said those cases were under investigation. The new Government was determined to combat torture in its all forms. Those found guilty of violating the law would be punished accordingly.

Rights of Reply

SAODAH SYAHRVAAIN (Indonesia) said allegations about government repression in East Timor were false. Armed criminals had caused disturbances, such as terrorism and arbitrary killings. It was against that background that the Indonesian Government was forced to take action. The Commission should not allow subversive groups to use this forum to defame a nationally elected Government. All investigations in East Timor had attested to the full observation of human rights and the efforts of the Indonesian Government to improve the standard of living there.

MIKLOS ENDREFFY (Hungary), referring to Iraq's response to yesterday's statement by the Foreign Minister of Hungary, said Iraq could have avoided the war and any civilian casualties had it withdrawn all its forces from Kuwait.

Mr. SIBAL (India), challenging the allegations made by the Netherlands, said the courts in India were fair and independent and had awarded damages to many plaintiffs.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/226
20 February 1991

COMMISSION ON HUMAN RIGHTS TAKES UP VIOLATIONS OF HUMAN RIGHTS WORLD-WIDE

Concludes Debate on Torture and Enforced Disappearances

GENEVA, 19 February (UN Information Service) -- The Commission on Human Rights this afternoon took up the question of the violation of human rights and fundamental freedoms in any part of the world, including the question of human rights in Cyprus and the situation of human rights in occupied Kuwait. It took up that item after concluding discussion on torture and enforced involuntary disappearances.

Under the item on world-wide human rights violations, the Commission also studies situations which appear to reveal a consistent pattern of gross violations of human rights, as provided in resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII). This part of the Commission's work is confidential, and it met in closed session.

Speaking in the debate on torture and disappearances was the representative of the Sudan. Representatives of the following organizations also participated: the International Association of Democratic Lawyers; the American Association of Jurists; the World Union for Progressive Judaism, Pax Christi International; the International Federation of Newspaper Publishers; the Andean Commission of Jurists; the Latin American Federation of Association of Relatives of Disappeared Detainees; the International Indian Treaty Council; the International Organization for the Elimination of All Forms of Racial Discrimination; the International League for Human Rights; the International Falcon Movement; and the International Union of Students.

The representatives of Kenya, Portugal, the Republic of Korea, Iran and Indonesia spoke in exercise of the right of reply.

Statements in Debate

OMAR ALIM (Sudan) said the Special Rapporteur on Torture's report on the situation in his country was full of factual errors and highly prejudiced. The Government had furnished the Special Rapporteur with detailed lists, indicating the status of all persons mentioned in allegations about political

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detainees and torture in the Sudan. Unfortunately, the Special Rapporteur had only mentioned that he had received those lists, without commenting on their relevance to the allegations.

Those allegations, which claimed that practices of torture existed in the Sudan, were false, he said. A case in point was the situation of Mamoun Mohammad Hussein, who was listed in the report. Although the individual had been released and pardoned in April 1990, the allegations continued. During the Commission's last session, the same Special Rapporteur had said he had received no reply from the Sudanese Government to an appeal concerning some detainees, but had admitted that his appeal had been sent two weeks before his statement. The Sudanese representative categorically denied that there was a consistent pattern of violations of human rights in his country. On the contrary, there was a consistent pattern of pestering the Sudanese with fictitious allegations.

RENEE BRIDEL, of the International Association of Democratic Lawyers, said the General Union of Moroccan Workers had suffered following the imposition of the International Monetary Fund's (IMF) budgetary austerity plan on the population. During strikes and demonstrations, many protesters had been killed in clashes with the security forces. There had been enforced disappearances and massive arrests after the demonstrations. All those detained during the strike must be liberated and a commission of enquiry set up to investigate those events. Morocco must respect the human rights of those acting in defence of trade union rights. Since 1976, 856 Western Saharan people had been detained by the Moroccan authorities. That Government must break its silence and bring those detained to trial. There were 1,200 persons incarcerated in South Korean jails for their political beliefs. Those people were subjected to violence and prohibited from having visitors.

ALEJANDRO TEITELBAUM, of the American Association of Jurists, said the draft declaration on forced or involuntary disappearances, while still not perfect, should be approved by the Commission. The report by Special Rapporteurs Louis Joinet and Danilo Turk (document E/CN.4/Sub.2/1990/11) formed an excellent foundation for studying the question of freedom of opinion and expression. Restrictions of those freedoms existed even in the more developed countries. In Germany, the law on federal civil servants demanded fidelity to the fundamental, free and democratic order. That law had led to the dismissal of many public employees for reasons related to their political opinions or activities. The situation had been aggravated after the reunification of the country. Such laws had been applied in the former German Democratic Republic.

Father MARCEL J. DUBOIS, of the World Union for Progressive Judaism, said that as a Catholic and an Israeli citizen, he could bring a special perspective to the documents before the Commission. The Commission clearly aspired to a true humanity, conscious of the spiritual dimension. The right to tolerance implied an active duty to respect the convictions of others. That was the basis on which different religious communities could coexist securely with their own identities. There should be freedom of conscience and freedom of faith. There could be no human life without faith. Religious

pluralism, of which tolerance was the happiest expression, was based on knowledge of one's God.

JACQUES VITTORI, of Pax Christi International, said that in Peru, of the 3,169 persons arrested or abducted by the security forces, only 672 cases had been officially accounted for. The situation of human rights had hardly changed since the coming to power of President Alberto Fujimori; in the first four months of his presidency, there had been 67 disappearances. The persons released in 1990 told of maltreatment. Impunity for those military or paramilitary forces responsible was becoming endemic. Similar situations could be found in other countries, among them, the Philippines, Myanmar, Iraq, Lebanon, Turkey, the Sudan, Morocco, Zaire, Rwanda and Romania. The situation in Brazil, Guatemala and El Salvador was also worrying. In Israel, the curfew imposed on the occupied territories could be compared to an arbitrary and collective detention accompanied by the torture of being unable to work, to secure provisions and receive medical treatment.

MATTHEW PIETTE, of the International Federation of Newspaper Publishers, said he was troubled by the approach taken in the preliminary report on the right to freedom of opinion and expression produced by Special Rapporteurs Joinet and Turk. It seemed that the accent had been placed on defining limitations to those freedoms, rather than on seeking to expand them, in line with the mandate of the Commission. It was astonishing that there was not a single reference to article 19 of the Universal Declaration of Human Rights. Instead, stress was placed on the later International Covenant on Civil and Political Rights, which had not been ratified by some countries, including the United States, which had reservations about its restrictive interpretation of press freedom. Referring to events in Lithuania and Latvia and the "new chill in the Soviet media", he said the Soviet authorities only intended to tolerate glasnost when it served their interests.

JORGE SALAZAR, of the Andean Commission of Jurists, said that while the Working Group's report had made some important recommendations, enforced disappearances in some Andean countries were still a reality. Despite the terrorism employed by subversive and drug-trafficking groups, the Governments of Colombia and Peru should not respond with illegitimate acts of violence and with enforced disappearances. In Peru, it would seem to be the security forces who practised enforced disappearances. That was tragic; even worse was the impunity then granted to those forces. Effective measures were needed to guarantee habeas corpus procedures and to ensure that those accused of being responsible for the enforced disappearances were brought to justice. He welcomed the Declaration on the Protection of All Persons from Enforced or Involuntary Disappearances as the most important international instrument to date on that issue.

MARIA ALEXIU, of the Latin American Federation of Association of Relatives of Disappeared Detainees, said the report of the Working Group on Disappearances spoke of a reduced number of such cases because there had been a drop in the number reported. The Federation had received further reports of 100,000 disappearances in Latin America. It had also received information about 857 disappearances in Morocco, 1,500 in Sri Lanka and 500 in Iran. The

phenomenon was spreading rather than diminishing. The problem was compounded by the impunity offered by some courts, in the name of reconciliation, to those guilty of disappearances. Such was the case in Nicaragua, where members of the contras had benefited from an amnesty law. Impunity was illegal, immoral and had a serious social impact. An international instrument outlawing that practice was needed. Administrative problems were slowing the process, but that should not be taken as an acceptance of the practice of impunity.

KAWAIPUNA PREJEAN, of the International Indian Treaty Council, said the United States was an example of a Government that had imposed a judicial system contrary to the security and well-being of the indigenous people. In that country, basic human rights protections were being trampled on by government internal security and intelligence agencies. Those agencies had taken a relatively fair judicial system and transformed it into a tool of political repression. Those who promoted the sovereignty of indigenous nations and who asserted their right to land under treaties agreed to by the United States were particularly affected. Documents had disclosed that the Federal Bureau of Investigation had planned a paramilitary operation against the American Indian Movement, which led to the conviction of Leonard Peltier on the strength of fabricated evidence. The Commission should investigate the political nature of his imprisonment. It should also send a special rapporteur to Morocco to look into the case of the disappeared Saharan people.

HUSSEIN RAJANI, of the International Organization for the Elimination of All Forms of Racial Discrimination, said the Turkish Kurds were the forgotten victims of the Gulf war. Since spring 1990, his organization had noted a worrying rise in disappearances and detentions of Kurds. Torture was a normal mode of interrogation, and outside contact was prohibited. Last August, Turkey had suspended its obligations to respect the European Convention on Human Rights as far as the Kurdish provinces were concerned. Nevertheless, his Organization welcomed Turkey's recent decision to legalize the Kurdish language. In Yugoslavia, federal and Serbian authorities had been implementing a policy of cruel mistreatment of the Albanian population in Kosovo for the last 10 years. Tens of thousands of Albanians had been arrested, detained or imprisoned. Cases of torture and involuntary disappearances were on the increase. In Lhasa, Tibet, there were persistent reports of torture in prison. The Chinese officials who operated the prisons should open them immediately to the International Committee of the Red Cross (ICRC) and other monitoring organizations.

TANIA CHEN, of the International League for Human Rights, said that despite the existence of laws prohibiting torture, the practice remained a routine part of the modus operandi of law enforcement officials at all levels in China. In April 1990, the Committee against Torture had required China to submit a new report by December 1990. That revised report had not been submitted. China claimed that the trials of demonstrators were totally an internal affair. That claim was untenable in the context of present international law. China also claimed that the defendants "entrusted" lawyers to defend them. However, the defendants were refused independent choice of counsel. The Chinese delegate had confirmed that other gross abuses of human

rights continued, such as "administrative punishment", under which individuals could be sentenced to periods of reform through labour for periods up to four years. Chinese sources had affirmed that over 869,000 persons had been sent to reform through labour camps since 1980 and that 80,000 were sent annually.

ELAHEH AZIMFAR, of the International Falcon Movement, said the ruling regime in Iran had a different name for torture: the authorities called it chastisement, and the Government did not hesitate in contravening human rights instruments against torture. They had said they would observe those instruments, but the conventions contradicted the rules presented under the guise of Islam. A common method of torture employed was whipping, which was punishment for such crimes as not observing the dress code and drinking alcohol. The torture and execution of children often occurred because of the political views held by their parents. Children were also being forced to witness the torture and execution of parents. The assassination in Geneva of Kazem Rajavi, a human rights advocate who attended last year's session of the Commission, should be condemned.

ENRIQUE OTTO, of the International Union of Students, said he wished to draw attention to the grave problem of torture in Guatemala. Guatemalan students were subjected to torture and assassinations. At the Commission's session last year, the Union had denounced the forced disappearance of 13 students in August and September 1989. In Guatemala, torture was continuously carried out in secret jails. His organization appealed to the international community to supervise the Government and military forces of Guatemala and also to include that question under the agenda item entitled, "Question of the violations of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and Territories".

Rights of Reply

THOMAS OGADA (Kenya) denied allegations of torture against Kenya and the claim that Kenyan courts were not totally impartial. The independence of the Kenyan judicial system was guaranteed by the Constitution, he said, which had been drawn up by the British. Only Kenyans could be judges, according to a recent change in legislation. The Kenyan Constitution considered torture to be illegal; evidence given under duress was inadmissible. Two other cases referred to by a non-governmental organization were currently sub judice.

JOSE J. PEREIRA GOMES (Portugal) disagreed with Indonesia that there had been no new cases of violations of human rights in East Timor. He said a delegation from the World Conference of Churches should have visited the area but its Chairman had been refused a visa.

RYANG LEE (Republic of Korea), responding to the International Association of Democratic Lawyers, said the Korean legal system provided for legal redress for victims of maltreatment or torture, as well as mechanisms to bring the accused civil servants to trial.

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MOHAMMED MOTTAGHI-NEJAD (Iran) said that behind the International Falcon Movement hid the Mujahidin Khalq terrorist group, which had killed hundreds of Iranians, taken many prisoners and distributed propaganda material to help further terrorist actions. The Commission should take steps to prevent non-governmental organizations from being used as spokesmen for terrorists.

SAODAH SYAHRUAAIN (Indonesia) repeated his statement regarding East Timor.

Violation of Human Rights and Fundamental Freedoms Anywhere

Since its twenty-third session, the Commission has give annual consideration to an item on the question of violations of human rights and fundamental freedoms. The sub-item on the question of human rights in Cyprus was first considered by the Commission in 1976 when it adopted resolution 4 (XXXIII). Last year, the Commission postponed debate on the item, deciding to give it priority at the current session. It also requested the Secretary-General to provide a report on the implementation of previous resolutions on the subject (document E/CN.4/1991/27). Another sub-item deals with the situation of human rights in occupied Kuwait. A third sub-item is concerned with the study of situations which appear to reveal a consistent pattern of gross violations of human rights.

By resolution 1503 (XLVIII) of 1970, the Economic and Social Council established a procedure for dealing with communications relating to violations of human rights and fundamental freedoms. Since 1974, particular situations relating to 46 countries have been placed before the Commission by its Sub-Commission on Prevention of Discrimination and Protection of Minorities. A working group meets prior to the Commission's session to examine the particular situations referred to the Commission, and to make recommendations on the action to be taken. The Governments concerned are invited to submit written observations on the situations in questions, and are invited to send representatives to address the Commission and to answer questions. The working group's recommendations are communicated as soon as possible to the Governments concerned. All actions taken under this procedure remain confidential.

Last year under this agenda item the Commission considered and took action on the human rights situations in Cuba, Albania, Romania, Afghanistan, southern Lebanon, Haiti, El Salvador, Chile and Iran. At this session, it will continue to examine the human rights situation in those countries. In the case of Chile, however, the Commission decided not to renew the mandate of the Special Rapporteur on the situation there and requested the Government of that country to report, at a special meeting of the current session, on the follow-up to the recommendations adopted by the United Nations up to 11 March 1990 in connection with the restoration in Chile of human rights and fundamental freedoms.

The Commission will have before it the following documentation: a note by the Secretary-General furnishing information on his ongoing contacts with the Government of Cuba (resolution 1900/48, document E/CN.4/1991/28); report of the Secretary-General on the human rights situation in Albania (resolution

1990/49, document E/CN.4/1991/29); report of the Special Rapporteur on the human rights situation in Romania (resolution 1990/50, document E/CN.4/1991/31); report of the Special Rapporteur on the human rights situation in Afghanistan (resolution 1990/53, document E/CN.4/1991/32); report of the Independent Expert on Haiti (resolution 1990/56, document E/CN.4/1991/33); and report of the Special Representative on the situation of human rights in Iran (resolution 1990/79, document E/CN.4/1991/35).

Regarding summary or arbitrary executions, the Commission adopted resolution 1990/51, by which it extended the mandate of the Special Rapporteur on the subject for a further two years and to consider the question at this session as a matter of high priority.

As far as human rights and mass exoduses are concerned, the Commission last year adopted resolution 1990/52 in which it urged the Secretary-General to use the resources available to consolidate and strengthen the system for undertaking early-warning activities in the humanitarian area by, among other measures, strengthened co-ordination among the relevant parts of the United Nations system. With respect to human rights in times of armed conflicts, the Commission's resolution 1990/66 requested the Secretary-General to solicit information on the scope of education provided to members of the police and the armed forces and submit to the Sub-Commission, an analytical review of the replies received. The Sub-Commission was asked to study the matter and to make proposals for further action in this field.

Concerning the sale of children, the Commission, acting on the recommendations of the Working Group on Contemporary Forms of Slavery, appointed a Special Rapporteur for one year to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes. Vitia Muntarbhorn (Thailand) was appointed Special Rapporteur to report on this subject (document E/CN.4/1991/51). As for human rights based on solidarity, the Assembly, in resolution 44/148, requested the Commission to obtain views on this matter and to study the question.

The Sub-Commission last year adopted resolution 1990/13, on the situation in Iraq and in occupied Kuwait, in which it recommended to the Commission to study the evolution of the situation of human rights and fundamental freedoms in Iraq, and consider the appointment of an individual of recognized international standing as special rapporteur with a mandate to examine the human rights situation in Iraq. At the same session, the Sub-Commission adopted resolution 1990/15 on the situation in East Timor, in which it recommended that the Commission consider the situation pertaining to human rights and fundamental freedoms in East Timor (document E/CN.4/1991/37). The Sub-Commission also adopted resolutions last year on the assassination of Professor Kazem Rajavi on political grounds, the situation of human rights in Guatemala, the situation of human rights in El Salvador, and a decision on the situation in Lebanon.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/227
22 February 1991

DEPUTY PRIME MINISTER OF ZAIRE ADDRESSES HUMAN RIGHTS COMMISSION

Commission Discusses Human Rights Violations World-Wide

GENEVA, 20 February (UN Information Service) -- The Deputy Prime Minister of Zaire, Nimy M. Ngimbi, this morning addressed the Commission on Human Rights on the human rights situation in his country.

The Commission also began its debate on the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent Territories and countries.

The Special Rapporteur on the human rights situation in Afghanistan presented his report, saying that the situation there must be seen against the background of armed conflict.

The representative of the United States spoke in the debate. The representatives of Norway, Morocco, Iraq and China spoke in exercise of the right of reply.

Statement by Deputy Prime Minister of Zaire

NIMY NGIMBI, Deputy Prime Minister and Special Counsellor of the Chief of State for Security of Zaire, reaffirmed that international humanitarian organizations, such as the International Committee of the Red Cross (ICRC) and Amnesty International, could freely visit places of detention in his country. Zaire, he said, was on good terms with the African Commission of Human Rights and the Association of African Jurists.

With the declaration of a multi-party system on 26 April 1990, Zaire had taken a new step towards respect for human rights and fundamental freedoms. That decision had abolished the leading role of the one party and restored the traditional powers of the legislature, judiciary and executive. The depolitization of the public administration, the army and the police were under way. Even the freedom of dress was allowed in his country. Multi-partyism in Zaire would undergo an important development with the forthcoming elections. There were already 12 candidates running for the

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presidency. The spirit of democracy was being reflected through the free expression of opinion. There were 30 independent newspapers with different political outlooks. Regarding the "sad incidents" at the University of Lubumbashi last year, he said the truth would be established at a trial later this month. The President of Zaire had invited the Commission to observe the proceedings, he added.

Report on Situation in Afghanistan

Special Rapporteur FELIX ERMACORA (Austria), introducing his report on the human rights situation in Afghanistan (document E/CN.4/1991/13), said that situation must be seen against the background of armed conflict. The Government defended its position against armed and unarmed opponents to the regime. Since the opponents were unwilling to enter into a dialogue with representatives of the Government, no real discussion was taking place. The detention and trial of persons suspected of being against the Government continued. Several thousand persons charged or convicted under the broadly interpreted security laws were in prison. Self-determination, the most important among human rights, could not be exercised under the prevailing circumstances.

The situation concerning the overall number of refugees outside the country remained unchanged, he said. After the outbreak of renewed hostilities recently in areas with a large civilian population, a new stream of refugees had sought shelter in Pakistan. However, there seemed to be a trend for the return of refugees, and about 200,000 had done so in recent months. The Afghan Government was trying to accommodate the refugees by providing legal and material assistance. The opposition parties were against that repatriation, so long as the political and military situation in Afghanistan was not to their liking. The living conditions of refugees in the hundreds of camps throughout Pakistan were very difficult. Rations of staple goods supplied by the United Nations had been reduced due to the cuts in funding for the United Nations High Commissioner for Refugees (UNHCR).

The report puts at 5 million the number of Afghan refugees. It says that there are 3,000 political prisoners in Afghan jails and some 10,000 disappeared persons.

Statement in Debate

KENNETH BLACKWELL (United States) said the promotion of human rights, as set out in the Charter, was a vital contribution in the search for a new world order based on the peaceful settlement of disputes and respect for international law. The United States did not claim to have attained perfection in the implementation of human rights, although that was its goal. The detailed human rights violations and atrocities perpetrated in Kuwait constituted one of the cruelest episodes in the long saga of human rights abuses by Saddam Hussein's regime. Dictatorial regimes survived only by resorting to repression and force. An example was Cuba, which was more and

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more isolated as a result of its refusal to accept international human rights standards. In Iran, human rights violations persisted; however, there had been positive developments, a situation that was also to be found in China.

North Korea, he said, operated a draconian penal code and detained more than 100,000 political prisoners. In El Salvador, a struggle was taking place between the Frente Farabundo Marti para la Liberacion Nacional (FMLN) and the legitimately elected Government. The United States was concerned about the deteriorating human rights situation in Guatemala and Mauritania. Sri Lanka, beset by brutal insurgencies, should investigate the extra-judicial killings and disappearances reported. The use by Israeli security force of excessive force and the violence directed at Israeli civilians and soldiers were worrying. The use of force by the Soviet Union in the Baltic states, as well as other violations of human rights were also cause for concern. However, there were positive trends in East and Central Europe, Nepal, Benin, Chile and Haiti.

Rights of Reply

HAAKON B. HJELDE (Norway), responding to the Kenyan representative concerning the detention of Koigi Wa Wamwere, said the Kenyan Government had not answered the appeal addressed to it and thus had not alleviated fears that the detainee would be subjected to torture or ill-treatment.

MOHAMED LAGHMARI (Morocco) said the International Association of Democratic Lawyers had made a statement filled with falsehoods. Morocco had taken various steps since the incident mentioned. Committees of investigation had been established and sentences and other penalties had been handed out. Those sentences had nothing to do with forbidding the right of expression. Those sentenced had been found guilty of robbery or disruption of public order.

ABDEL AL-KADHI (Iraq) said the United States ran an international dictatorship. United States "civilization" had allowed the killing of 20,000 children and old people in Iraq. In last week's bombing, the victims could not be identified because of the brutality of the bombing. The children of Kuwait were Iraqis.

WANG XUEXIAN (China) said the United States delegate had made an unjustified attack on China. That attack was deplorable and the claims false. It would appear from that statement that only the United States was free of human rights problems. What of the systematic killing of North American Indians, the enslavement of Panamanians and the repression of African-Americans? He had witnessed first-hand the human rights violations in the United States. The United States should look in the mirror first before criticizing others.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/228
21 February 1991

COMMISSION CONTINUES DISCUSSION ON HUMAN RIGHTS VIOLATIONS WORLD-WIDE, HEARS ADDRESS BY FOREIGN MINISTER OF URUGUAY

GENEVA, 20 February (UN Information Service) -- The Minister for Foreign Affairs of Uruguay, Hector Gros Espiell, spoke before the Commission on Human Rights this afternoon on the human rights situation in his country.

The Commission also continued to consider the question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent Territories and countries.

The following delegations participated in the debate: Ethiopia, Burundi, Panama and Pakistan. Also participating were: the International Federation of Human Rights, the International Commission of Jurists, Amnesty International, the Arab Organization for Human Rights, the World Muslim Congress, the Commission of the Churches on International Affairs, the World Movement of Mothers, the International Association of Democratic Lawyers, the International Human Rights Internship Programme, Centre Europe-Tiers Monde, the International Human Rights Law Group, the Pan Africanist Congress of Azania (PAC), the Minority Rights Group, the Baha'i International Community, Human Rights Advocates, the Inter-Parliamentary Union, Pax Romana, the Federation Internationale Terre des Hommes, the World Confederation of Labour, Service of Justice and Peace in Latin America, the Latin American Federation of Associations of Relatives of Disappeared Detainees, the International Fellowship of Reconciliation and International Education Development.

Rights of reply were made by Mauritania, Cuba, Zaire and Ethiopia.

Statement by Minister for Foreign Affairs of Uruguay

HECTOR GROS ESPIELL, Minister for Foreign Affairs of Uruguay, said his country was living democracy in a practical way, and not just paying lip service to it. Three regional system of human rights could be deciphered. One was the European regional system, which had been used as a model for many countries. That continent was now facing the challenge of a new Europe taking shape, with all the complexities involved. The second regional system was the American one, operated through the Organization of American States (OAS). Some 14 countries had recognized the competence and jurisdiction of that

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inter-American body. The third regional system was the African one, which was based on the African Commission for Human Rights.

The right to self-determination, he continued, must be viewed as a human right and not only a right of peoples. Uruguay had signed and ratified the International Covenants on Human Rights.

In the 1970s Uruguay had gone through a period of terror, when human rights abuses had abounded. Those abuses had been brought to life thanks to the efforts of the various human rights groups in the country. There was a certain inter-dependency among all human rights, whether in international humanitarian law, the ecological system or civic and political rights.

The protection of the ecological system was essential with respect to the right to life. There could be no life, and certainly no healthy life, without environmental harmony and protection.

Statements in Debate

HIRUT GEBREGZIABHER (Ethiopia) said respect for human rights and freedom in Cyprus depended on the resolution of the root causes of the problem prevailing in that country. A lasting and viable solution should be based on General Assembly and Security Council resolutions that guaranteed the sovereignty, independence, territorial integrity and non-alignment of Cyprus. Ethiopia had closely followed efforts aimed at bringing about a negotiated settlement; while it was encouraging that some progress had been made regarding the plan of action of the Secretary-General, a negative atmosphere prevailed. The exercise of basic rights ensured by international instruments was denied and, as a result, the plight of thousand of refugees remained unsolved. The Commission should continue its efforts to ensure the full co-operation of the concerned parties to create conditions of peace and justice in Cyprus.

LAURENT NZEYIMANA (Burundi) said his delegation was fully aware that the situation in Cyprus and in Kuwait stemmed from violations of essential principles governing international relations: sovereignty, independence and the territorial integrity of nations. In the case of Cyprus, several United Nations resolutions had called upon nations to respect those principles. As for Kuwait and the outbreak of hostilities in the Gulf, Burundi had firmly expressed its support for the United Nations resolutions condemning the invasion and annexation by Iraq. The Commission should express loudly and clearly its great preoccupation with the degrading and incalculable consequences and appeal both to the participants in the conflict and the international community to work for a cease-fire or end to the war.

ANANTONIA REYES and CHRISTIAN GROSSE, of the International Federation of Human Rights, affirmed that the human rights situation in Guatemala had deteriorated in the past few years. There were extra-judicial executions, torture and bombings. Those crimes almost always went unpunished. The blatant disregard for human rights demonstrated by the Guatemalan Government was evidenced by the recent indiscriminate shooting of innocent citizens who

had assembled to protest detention of relatives. Fourteen people were killed. In El Salvador, atrocities against the population had continued with impunity. The death squads were still in operation and the Government had made no attempt to bring their members to justice. In Romania, progress in human rights had been made, but much was left to be done. Punitive laws from the previous regime had not been repealed, and agents of the Securitate were still active.

OSVALDO VELASQUEZ (Panama) said there seemed to be more concern with Governments violating human rights than with the peoples who were the victims. But Governments could not have their rights violated by their peoples. When the Inter-American Institute for Human Rights had organized seminars for Central American non-governmental organizations in Costa Rica only the host country showed any sympathy and understanding. One would have to ask why so much money was being spent on armies in Central America and other underdeveloped countries. The answer was that the military forces existed not to defend nations against aggressors but to carry out oppression and institutionalized violence against their peoples. That had been the case in Panama under General Manuel Noriega, when millions of dollars were spent on the military while the needs of the people were neglected.

S.M. ZAFAR (Pakistan) said the people of Jammu and Kashmir had been denied their right to self-determination for more than four decades and had risen against Indian occupation. Their legitimate demand for the exercise of their inalienable right to self-determination, recognized by the relevant Security Council resolutions, had been met with the massive and indiscriminate use of force by the Indian armed forces. There had been consistent reports of indiscriminate killings, arbitrary arrests, torture and other abuses. The restrictions on the movement of people had created food scarcities and crippled the economy of Kashmir, leaving the population without even basic medical and sanitary facilities. As a result of the Indian repression, thousands of Kashmiris had been forced to flee to Azad Kashmir. A virtual news blackout had been imposed in Jammu and Kashmir. India was a neighbour of Pakistan, and neighbours were bound together in their lives and in their futures by their very geography. Pakistan held out a hand of friendship and co-operation to India in the interest of both of their peoples.

ADAMA DIENG, of the International Commission of Jurists, said that in 1990, after the displacement of up to half a million Kurds and the destruction of Kurdish villages, the Jurists' Commission and other human rights groups had expressed concern over the situation in Iraq. But the Commission on Human Rights once again voted to take no action. After having perpetrated the most flagrant abuses on its own population without a world of reproach from the United Nations, Iraq must have concluded that it could do whatever it pleased. It had since invaded its neighbour Kuwait and inflicted similar horrors on the inhabitants of that country. Impunity indeed bred contempt for the law. The world was deeply saddened when the President of Argentina, on 29 December 1990, granted pardons to leaders of the so-called "dirty war" which resulted in 8,960 documented cases of "disappearance". Those men who had terrorized Argentine society and been convicted of murder, torture and kidnapping, now walked the streets bragging of their exploits. The

International Commission of Jurists had received information that in Guatemala eight human rights monitors had been killed in 1990. To date, there had been no indication that any serious inquiry was being carried out by the authorities to judge and punish the killers.

ISOBELLE JACQUES, of Amnesty International, said the Commission's recent consideration of Guatemala had not corresponded to the gravity of that situation which had, if anything, deteriorated. In recent years the Commission had failed to take action on flagrant violations of human rights in Iraq, which were brought to its attention repeatedly. A year ago, the Commission also elected to take no action on the situation in China despite convincing evidence of the killing, detention and ill-treatment of pro-democracy activists in 1989 described in a report by the United Nations Secretary-General. In Myanmar, continuing human rights violations remained a matter of grave concern. Frequent mass arrests of suspected government opponents, including prisoners of conscience, occurred throughout 1990. There were other situations where the Commission's expressions of concern had not been followed by sustained scrutiny. Such was the case with regard to Sri Lanka, the Sudan and Syria.

ABID AL-JADIR, representing the Arab Organization for Human Rights, said 1990 had been a year of ordeals as far as collective and individual rights were concerned. With the support of the United States, he said, Israel continued to defy international unanimity by depriving the Palestinian people of their right to self-determination. The invasion of Kuwait by Iraq swept away the Kuwaiti people's independence and caused an unprecedented rate of expulsion and migration in the region. Racist problems and civil war threatened Somalia, Mauritania and the Sudan. The Arab Organization for Human Rights wanted to stress the need for an immediate cease-fire on the basis of Iraq's withdrawal from Kuwait and the withdrawal of all foreign forces to be replaced by Arab forces. That alone could put a stop to the bloodshed. Urgent and serious efforts should be made to convene an international conference to discuss the Palestinian question. If such a conference were not convened rapidly, that would only confirm the suspicion of most Arabs and Muslims of the third world that the West had more respect for oil than for international legitimacy.

ABDUL H. TABIBI, of the World Muslim Congress, said that while many international organizations were working for the protection of the environment and animals, human lives were being destroyed without any sympathy or mercy. The Congress condemned the occupation of Kuwait and asked for an immediate withdrawal and the finding of a political solution to the territorial claim of Iraq. In Afghanistan, as a result of the Soviet occupation, 1.5 million people died, and one third of the population lived as refugees in Iran and Pakistan. While the Afghans were fighting for self-determination, the Soviet Union was offering military assistance to the almost bankrupt regime.

ROBIN GIBSON, representing the Commission of the Churches on International Affairs, declared that in terms of human rights, 1990 was probably the worst ever year in Guatemala, which was now under so-called civilian rule. Human rights organizations had recorded 482 assassinations and

97 disappearances between January and September. The human rights attorney/ombudsman of the country had reported that the majority of cases handled by his office implicated the Government's security forces. Of the 31 human rights monitors killed world-wide, eight were killed in Guatemala. In the coming months, if immediate and massive foreign supplies of food were not available, between 7 and 9 million Sudanese risked malnutrition and starvation. That crisis was mostly the result of the civil war and the policies of the Sudanese Government. That situation followed a year of extreme abuses of civil and political rights. The reintroduction of the Islamic Sharia laws would lead to further violations of human rights. In El Salvador, in spite of varying levels of progress in negotiations to end the civil war, human rights violations continued to demand the attention of the international community. Despite the signing in July 1990 of the San José Human Rights Accord by the Government and the Frente Farabundo Marti para la Liberacion Nacional (FMLN), abuses had continued almost unabated.

MARIE-LAURE BECK, of the World Movement of Mothers, referring to the preliminary observations made by the Special Rapporteur, Vitit Muntarbhorn (Thailand), on the sale of children, said the revolting practice of selling children for adoption, prostitution, pornography and labour should not be allowed to continue. Families and educators everywhere demanded a rapid and firm end to that problem. That exploitation represented slavery and the Movement awaited with confidence the outcome of the debates in the Sub-Commission on that matter. He appealed to all Governments to take concrete measures to apply the laws already existing in that regard.

ROBERT EMERY, representing the International Association of Democratic Lawyers, said that since the beginning of the Gulf crisis, human rights abuses had worsened in the Kurdistan region in Turkey. Deportation of adults and children to other regions had persisted. They were without food, medicine, water and warm clothing. Summary executions had occurred, and the military authorities had tortured some of the villagers, accusing them of being terrorists. Despite the Turkish Government's claims to the contrary, the Kurdish language was still forbidden, as was demonstrated by the arrest of lawyers who had delivered legal statements in Kurdish. In Guatemala, flagrant violations of human rights had persisted, particularly by the civil defence patrols which acted with impunity. He called on the Government of Guatemala to investigate the cases of the 40,000 persons who had disappeared in the past few years.

JEAN-CLAUDE LUTHI, of the International Human Rights Internship Programme, said that last year the Albanian Government had announced its intention to implement reforms in many key areas. Despite a welcomed change of direction, several concerns needed to be addressed. Albania should be encouraged to ratify the International Covenants on Human Rights and make those treaties available to its citizens. The announced reforms by the Albanian Government were important steps toward guaranteeing respect for international human rights norms. Many more steps, however, had to be taken before the citizens of Albania could realize even the most basic human rights.

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CHRISTIANE PERREGAUX, of the Centre Europe-Tiers Monde, said she was concerned about the Kurds of Turkish Kurdistan, the people of Eritrea and the war in Sri Lanka between the Government and the Tamil liberation movement. Around 150,000 Tamils were now refugees in India. Many of them also sought asylum in Europe. In Morocco, the Tazmamart prisons revealed deplorable conditions and those who managed to exist were usually corpses. Morocco had denied the existence of the prisons. In Western Sahara, the Saharan population was being pressured, frightened and subjected to "Moroccanization". Two hundred Morroccan soldiers had been released by the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (POLISARIO) but they had not yet been repatriated by the Moroccan authorities. The situation of the Moroccan and Saharan people was very serious and a cause for concern.

MARK ZUCKERMAN, of the International Human Rights Law Group, said the people of Myanmar were nearing the first anniversary of the elections in which the pro-democratic National League for Democracy won an overwhelming majority of seats in the People's Assembly. Still, the current military régime had resisted the transfer of power to those duly elected representatives. Credible and repeated reports of torture, summary execution and mass detention of the regime's political opponents persisted. In Zaire, reports within the past year told of extra-judicial killings, arbitrary arrests and detentions, and repression of political expression, association and assembly. The reported instances of intimidation appeared directly connected to government-supported efforts to contain the growth of a multiparty system in Zaire. Last May, a pre-meditated night attack by Zairian security forces on university students in Lubumbashi left at least a dozen students dead. Regarding Guatemala, independent expert Christian Tomuschat in his report to the Commission (document E/CN.4/1991/5) had concluded that the people there continued to live in a state of fear. For the year 1990, more than 500 extra-judicial killings had been reported in Guatemala, many of which had been reliably attributed to the military.

MOTSOKO PHEKO, of the Pan Africanist Congress of Azania (PAC), said it was incorrect to speak of Namibia as the "last colony in Africa". It was in fact a mandated Territory under the League of Nations. There had been violations of fundamental freedoms in South Africa since 1909. Azania, today colonially called "South Africa", had been taken by force of arms and the fight against colonialism went on to this day. Some lawyers argued that because South Africa had become a member of the League of Nations in 1919 and of the United Nations in 1945, it must be considered and "independent sovereign State". The lawyers ignored various facts: South Africa's membership of these organizations did not make it an independent State. Membership in the organizations was not a process of decolonization, and colonial Powers did not always abide by international law. The PAC appealed to all members of the international community to abide by the United Nations Declaration on Apartheid and its Destructive Consequences in Southern Africa of 14 December 1989.

ALAN PHILIPS, of the Minority Rights Group, said it was crucial for the international community to take early measures to address conflicts before

they reached a point where peaceful and constructive solutions were impossible. There was an excellent opportunity in Romania for the Special Rapporteur to identify constructive programmes to strengthen the human rights of minorities and the majority community. The Palestinians were disadvantaged under Israeli administration but that plight was high on the international agenda only in the wake of a major war. Kurdish communities within Iraq had been subjected to forced relocation and internal exile on a massive scale. Those who had resisted had suffered total annihilation, as evidenced by the killing of up to 3,000 villagers over a 10-day period in late January 1990. Iraq should be condemned for its gross and systematic violations of human rights, its use of chemical weapons, its invasion of Kuwait and its treatment of minorities.

WYTZE BOS, representing the Baha'i International Community, reported that the freedom of the Baha'is in Iran, the country's largest religious minority, was being denied personally and collectively. There had been a slight degree of success in dealing with that problem, following the intervention of the Commission. Yet, those changes did not fully address the problem: Baha'is did not enjoy any rights as Iranian citizens. They were considered "unprotected infidels". They had been advised that if they converted to Islam, the abuses would end. Since 1979, many Baha'is had been killed, and others had disappeared or been imprisoned. All Baha'i holy places remained confiscated or destroyed. Retirement pensions, work permits and unemployment benefits had been withheld and Baha'is continued to be denied the right to leave the country. Official Iranian documents stated that such denials were due to the fact that those individuals were members of the Baha'i community. Allegations by the Iranian authorities that the Baha'is represented a subversive element were utterly groundless.

GREGOIRER MUYOVU (Burundi) said his country had committed itself firmly to human rights. New policies had begun to bear fruit but the ethnic issue which poisoned the atmosphere was a persistent one. Since 1988, the pace of change had increased with the setting up of a Commission of National Unity which proposed a referendum on the matter. In December 1990, it was decided that various officials should be elected to replace military authorities. On 5 February, a referendum was held which was a resounding success -- 87 per cent voted in favour of the Charter of National Unity. Burundi would have a new Constitution and various democratic mechanisms would be put into action to support whichever political system Burundis should choose. The refugee issue would also be dealt with. The Government of Burundi had ratified various human rights instruments. Human rights had always been enshrined in Burundian customs and beliefs. Unity, and not division, was Burundi's goal.

HRAIR BALIAN, of the Human Rights Advocates, said the use of force in the Soviet Union appeared to be replacing open dialogue and other advances made during recent years. Despite concern over the Nagorno Karabakh Region, the international community had largely chosen to ignore the conflict of nationalities within the Soviet Union. In addition, the Soviet Union's failure to address the underlying fundamental problems of those conflicts had provided an impetus to anti-democratic forces to increase their assault against glasnost and perestroika. Furthermore, the international community

tended to isolate the events in the conflict of nationalities in the Soviet Union as evidenced by events in the Baltic republics.

CHRISTINE PINTAT, representing the Inter-Parliamentary Union, declared that the Union had acted in 1990 to protect parliamentarians against arbitrary actions. The Union had defended 40,000 parliamentarians in 145 Parliaments. The Union acted in Chile, Colombia, Guinea-Bissau, Honduras, the Sudan and Turkey. In Chile, the bodies of two parliamentarians who were victims of General Pinochet's Government had recently been discovered. That Government had denied all responsibility for disappeared persons since 1973. In Colombia, 15 parliamentarians had recently been assassinated and others had been kidnapped or threatened. In Guinea-Bissau, two parliamentarians had been sentenced to prison. In Honduras, little progress had been made in the investigations of the assassination of a major parliamentarian. In the Sudan, various cases were a cause for concern, while in Turkey the trial of several former parliamentarians involved in the Committee for Peace was being followed.

JUAN GERARDI, of Pax Romana, said that despite the return of Guatemala to a state of law, human rights violation had continued. The constitutional and institutional reforms undertaken by the Government had not improved the situation. The national security doctrine of the former military régime had continued to be exercised, resulting in more political and selective violence. The Commission of National Reconciliation had initiated a dialogue in order to bring an end to the violence that had reigned in the country for the last 30 years. The Office of Human Rights of the Archbishop had registered, in 1990 alone, 1,292 assassinations, 70 cases of torture and 98 disappearances. No measures had been adopted to punish those who were responsible for the violations.

ELLEN LACOURT, of the Federation Internationale Terre des Hommes, said visits to the Philippines and subsequent reports of the Working Group on Disappearances and of the Special Rapporteur on the question of torture gave reasons to hope for an improvement of the human rights situation there. However, poverty was on the increase in the Philippines and the effect that had on children was a cause for concern. Recent figures showed that 5 to 7 million children were obliged to work so their families could survive. During the years of the Marcos dictatorship, approximately 4.5 million children had been directly or indirectly affected by armed conflict. The Philippine army was also involved in grave violations of human rights against trade union members, church, peasant leaders and others who defended basic freedoms. That could not be tolerated. The causes of widespread poverty in the Philippines might lie in an unjust national and international order. However, to remedy the situation, all efforts should go toward reconciliation. In Niger, in May and June 1990, violent incidents pitted the army against the Tuaregs. Some 400 to 600 people were killed or tortured among those detained. That incident should be investigated and justice should be given to the Tuaregs.

BEATRICE FAUCHERE, of the World Confederation of Labour, said that while the world had turned its attention to the events in the Gulf, the Turkish Government had continued its tyrannical activities against the Kurdish people. The Government had intensified its massive deportation of Kurds from

the regions bordering Iraq to other places. The Commission should appoint a special rapporteur to deal with the Kurdish question. Human rights violations also continued in Ethiopia. The Commission was called upon to seek peaceful means to settle the conflicts in that region. It was regrettable that the Cuban Government had not been influenced by the changes undertaken in the countries friendly to it.

RAMON CUSTODIO LOPEZ, representing the Service of Justice and Peace in Latin America, said that in Honduras there had been five political assassinations, 96 cases of torture, 357 illegal detentions and various other human rights violations by agents of the authorities. In Brazil, six private organizations had focused on the condition of children and had discovered hair-raising human rights violations. According to the United Nations Children's Fund (UNICEF), more than 11 million children lived in poverty in Brazil. Reports suggested that the killing of children there was part of an attempt to "clean up the streets for tourists". In Colombia, about 3,000 murders or disappearances had occurred since 1985. In El Salvador, intimidation and terror campaigns had been carried out against the Democratic Convergence organization. In Guatemala, human rights violations also continued.

MARGARITA ALEMAN and NINETH DE GARCIA, of the Latin American Federation of Associations of Relatives of Disappeared Detainees, said human rights violations had continued in El Salvador with 164 disappearances registered in 1990. Salvadorians were also being assassinated in neighbouring countries. The countries in the region should respect the Geneva Conventions, and observe the agreements signed in Caracas and Costa Rica towards a negotiated political solution to the conflicts there. Human rights violations and the denial of fundamental freedoms continued in Haiti, Guatemala, Peru and Colombia.

RENE WADLOW, of the International Fellowship of Reconciliation, made a plea for reflection on how the Commission could better meet the expectations of the victims of human rights violations. To that end, three things could be done. The first was the creation of specialized, thematic approaches to violations such as torture, disappearances, summary executions and discrimination based on religion or belief. That would build wider awareness of those practices. The second, designed to better integrate vulnerable members of society into the work being done on gross violations, would help those victims protect themselves adequately at the national level and look to the United Nations for help. The third concerned the examination of country situations which could not be dealt with in isolation and which should be examined with a trans frontier, regional approach. There was a need for the better use of non-governmental organization missions to observe trials or to make general evaluations of situations.

KAREN PARKER, representing the International Education Development Inc., said she wished to draw the Commission's attention to gross violations of human rights in Myanmar. In May 1990, the people of Myanmar elected a new Government which obtained 82 per cent of the vote. The new Government had not been allowed to assume its rightful authority by the old Burmese regime. In El Salvador, a serious breach of humanitarian law had occurred when two

American military men appeared to have been executed after being taken prisoner by opposition forces. She stated that Sri Lankan rule had been detrimental to the Tamils. They had been subjected to massacres and as a result had turned to armed resistance. There were 2,009 disappeared Tamils, 6,000 Tamil civilian casualties since June 1990 and up to 60,000 Tamils dead since 1987. Numerous violations of humanitarian laws were occurring in the Gulf war. In Pakistan, some 20 million people lived in conditions of virtual slavery as bound labourers.

Rights of Reply

SIDNEY SOKHONA (Mauritania), responding to the statement by the representative of the United States, said Mauritania's legal system offered redress for victims of abuses. Islam, the religion of Mauritania, ruled out any form of discrimination.

RAUL ROA KOURI (Cuba), replying to the United States statement, said a country which raided a sovereign State such as Panama and which was at present showering Baghdad and Basra with bombs could not be an advocate for human rights. No reprisals were taken against those who testified before the Special Rapporteur. United States concerns about human rights violations in Cuba was simply carrying out a vendetta. In reference to the statement by the World Confederation of Labour, the representative of Cuba said it reflected counter-revolutionaries working for United States intelligence services.

MALIYABWANA KIRONGOZI (Zaire) said his Vice-Prime Minister's comments made this morning were a response to the claims of non-governmental organizations.

KEFFYALEW GEBRE-MEDHIN (Ethiopia) referred to an allegation by an non-governmental organization that the Government of Ethiopia had violated human rights in the north of the country and that the people of Asmara were being starved. That was a gross violation of the facts. As early as January 1991, food was getting through to Asmara at the initiation of the Ethiopian Government. Any problems caused were solely due to secessionist forces. Also, there were no cluster bombs in the Ethiopian arsenal. That was a fabrication.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/229
21 February 1991

KUWAITI MINISTER OF PLANNING ADDRESSES HUMAN RIGHTS COMMISSION

Commission Continues Debate on Violation of Human Rights in Any Part of World

GENEVA, 21 February (UN Information Service) -- The Minister for Planning of Kuwait, Sulaiman Al-Mutawa, told the Commission on Human Rights this morning that the Iraqis responsible for the present crimes his country should be put to trial for violating international law and disturbing world peace and security.

The Special Rapporteur on the human rights situation in Romania, Joseph Voyame, introduced his report (document E/CN.4/1991/30), noting that the situation in Romania had continued to improve systematically, if not spectacularly.

Unfortunately, he said, certain grave incidents of human rights abuses had persisted, one being the intervention of miners, in June 1990, to break up a peaceful demonstration. There was still a problem with telephone tapping and the opening of mail. There had been arrests, without any explanations to the persons concerned, as well as secret detentions for extended periods. There was now freedom of thought and religion, although the Government still had not returned goods stolen from some churches. Freedom of the press and association had been restored, but their full enjoyment was restricted. He urged the Romanian Government to continue to work to guarantee human rights in law and in practice, especially with regard to the Hungarian minority.

In this morning's debate on the violations of human rights in any part of the world, the representative of Libya made a statement, as did representatives of the following organizations: the World Federation of Trade Unions, the Andean Commission of Jurists, the International Federation of Free Journalists, the International Council of Voluntary Agencies, the International Confederation of Free Trade Unions, the Movement against Racism and for Friendship among Peoples, the International Association against Torture and the World Federation of Democratic Youth.

(more)

For information media—not an official record

The representatives of Syria and Cuba spoke in exercise of the right of reply.

Statement by Kuwaiti Minister of Planning

SULAIMAN AL-MUTAWA, Minister of Planning of Kuwait, said there had been unprecedented progress in the world for the sake of emancipation and freedom. However, the dream of a better world had been shattered since 2 August 1990 when Iraq invaded Kuwait. The Iraqis had brutalized the defenceless people of Kuwait, defied all values and treaties and had challenged the world community, forcing it into armed confrontation. The Iraqi forces had waged organized campaigns of killing and torturing unarmed Kuwaiti civilians, and looting and pillaging. Kuwaiti children were denied education, and 100,000 Kuwaitis had been arrested arbitrarily while thousands more were being terrorized, humiliated, raped, tortured and executed daily. Those campaigns continued unabated, and recent reports indicated their escalation.

Iraq, he said, had violated every humanitarian law and all Islamic teaching. Collective dawn prayers had been prevented and mosques closed and defiled. Captured members of the Kuwaiti armed forces were being used as human shields. The Iraqi forces had also engaged in environmental terrorism, dumping oil into the Gulf -- the life support system of millions. About 300,000 Kuwaitis were living under the rule of the Iraqi occupying forces, while 450,000 Kuwaitis were living in exile.

The Commission, declared the Minister, should condemn the Iraqi regime for the inhuman crimes committed in Kuwait, and demand that Iraq immediately allow humanitarian organizations to enter Kuwait to rescue its citizens from disease and hunger. The perpetrators of the present crimes should be put on trial for their violation of international law and for disturbing world peace and security.

Statements in Debate

SAID HAFYANA (Libya) said Libyan prisoners of war had been abducted from Chad by the United States. Why was the United States interferring in regional African conflicts? he asked. Libya had taken steps to exchange prisoners with Chad. Chad had subjected Libyan prisoners of war to torture; the International Committee of the Red Cross (ICRC) could testify to that. The United States had visited the Libyan prisoners of war and monitored their transfer to be trained to work against Libya. The United States was not a party to the conflict between Libya and Chad. It was guilty of piracy when it transferred Libyan prisoners of war. It also prevented ICRC from visiting the prisons where they were held.

DANIEL RETUREAU, of the World Federation of Trade Unions, said some 10,000 persons had been assassinated in Colombia last year. There had been many kidnappings, and there was evidence that death squads were still operating. Drug traffickers and the armed forces played equal roles in the killings. In the Sudan, there were grave human rights violations against trade unionists. Since the 1989 military coup, the country lived under

martial law. In Guatemala, about 40,000 persons had disappeared, and the armed forces used repressive methods to ensure the non-return to democracy. In Zaire, the savage massacre of students at the University of Lubumbashi illustrated the gravity of the problem there. Since the unification of Germany, there had been discrimination against union members in the former East Germany. In Kuwait, the Iraq invasion had provoked immense destruction and suffering. Many refugees attempting to flee the country had died of thirst in the desert. The total pillage of Kuwait, its hospitals, shops, banks and even private homes was most deplorable.

JORGE SALAZAR, of the Andean Commission of Jurists, said the attempts by some Governments to reduce the phenomenon of summary and arbitrary executions were insufficient. Last year, in Colombia, an average of 11 persons a day had died for their political views. The powerful hand of drug traffickers could be seen in those activities, but there were also acts perpetrated by paramilitary groups and those acting for the security forces. Were the recommendations of the Special Rapporteur to the Colombian Government being implemented? he asked. In Peru, last year, the Shining Path group murdered 1,249 people. The acts of armed forces and the police had led to the deaths of 82 persons, and the perpetrators of those acts were immune from prosecution. Peru had taken actions designed to clothe impunity with legality. In Venezuela, there had been 97 unexplained violent deaths since 1990. The Governments of those Andean countries all too often acted in an impotent fashion when they should be acting vigorously to improve human rights.

NARCIZAS PRIELAIDA, of the International Federation of Free Journalists, said the Soviet intervention in Lithuania came against the background of a referendum which demonstrated that 90 per cent of the people were in favour of independence. Some 75 per cent of Russian and 65 per cent of the Polish residents had voted in favour of independence as well. There was therefore no ethnic or minority problem to justify the Soviet intervention. It was clear that the way forward was dialogue, not violence. Lithuania had its own Constitution and did not recognize the Constitution imposed by the Soviet Union. Developments in Lithuania would only lead to a hardening of the problem and would not at all facilitate an acceptable solution. Foreign television and magazine correspondents were often manhandled and their equipment was destroyed to prevent the spread of information of the true situation in the republic. In Iran, a neighbour of the Soviet Union, severe and brutal repression continued against the Iranian people, especially journalists who supported the Mujahidin organization.

DELMAR BLASCO, of the International Council of Voluntary Agencies, said there had been welcomed changes in Rwanda, but problems related to the return of refugees and ethnic dissent persisted. Fiji had an undemocratic constitution which contributed to inter-ethnic confrontation. A special rapporteur should be appointed to Sri Lanka, where both sides in the civil war there were violating human rights. There should be no repeat of Khmer Rouge-type violence in Cambodia. In Indonesia, the human rights violations in Aceh, Irian Java and East Timor were to be deplored. The situation of Myanmar

was also deplorable; the election results there should be recognized. The Council also condemned the loss of rights of the Tibetan people and noted that Afghanistan continued to persecute its people.

GUY RYDER, of the International Confederation of Free Trade Unions, said the experience in the aftermath of the Tianenmen Square massacre had shown that the Chinese authorities reserved their most repressive acts measures for activists of the independent Workers Autonomous Federations. Since the military coup of 1987 in Fiji, the Trade Union Congress had been subjected to sustained attacks by the authorities. The Government there promoted the establishment of new racially based trade unions. The Government in El Salvador refused to respond to allegations in the murder of a large number of trade unionists. In Guatemala, where trade unionists had been particular victims of summary execution and disappearance, there was documented evidence that the intensity of violations was growing. In Colombia, there had been no let-up in the scale of violence against trade unions. In Cuba, the Castro Government had effectively eliminated all genuine trade union representation of workers; all workers were forced to belong to the State-directed Organization, whose aim was not the promotion of workers' interests, but those of the authorities. His Confederation had long been concerned that in many African countries, single trade unions were imposed by law. It was encouraging that African workers and their unions were playing a considerable role in the move towards multiparty democracy, which was spreading across that continent.

OZDEN MELIK, of the Movement against Racism and for Friendship among Peoples, said he was concerned about the situation of the Kurds under Turkish domination in south-east Turkey. Recent legislation designed to help the Kurdish people, in fact muzzled them. Turkey had intensified deportation from that region. Turkish forces encircled Kurdish villages, and any persons who left their homes were shot and their crops destroyed. Terror, shootings, beatings and pillaging were daily occurrences. The Commission should recognize the Kurdish people's right to self-determination, and any Middle East peace conference should include Kurdish representatives.

JUAN LEON ALVARADO, of the International Association against Torture, said abductions continued in Guatemala. There had been some 4,000 involuntary disappearances, and torture was commonplace. Mutilated bodies were often found. Since the new Government took office, there had been extra-judicial executions. The Guatemalan Government was the main source of human rights abuses, hence it was useless to consult that Government about human rights. Peru had the highest number of involuntary disappearances and extra-judicial executions in the world. A working group on disappearances had established 232 new cases in 1990. In El Salvador, arbitrary arrests and massacres by the security forces continued. In Chile, despite the inauguration of a new democratic Government, human rights abuses persisted. There, the security forces used excessive force with impunity.

GABRIELA COREA and OSCAR ORELLANA, of the World Federation of Democratic Youth, said that in El Salvador, the Government and the Frente Farabundo Marti para la Liberacion Nacional (FMLN) continued to violently confront one

another. There had been a serious attempt to promote democracy and human rights through a cease-fire. However, the changes proposed within the armed forces -- the source of state of terror -- had been resisted. The military enjoyed impunity and the Government still refused to make changes in the social and economic sectors. Aid by the United States to the armed forces did not help. People were arbitrarily seized and others had been tortured and murdered. A negotiated, political solution must be found and FMLN must encourage its members to respect human rights.

Rights of Reply

HUSAMI NABIH (Syria) denied the charge made by Amnesty International and said he regretted that it had not checked its source more carefully. The state of emergency declared in 1963 in fact conformed to the International Covenant on Civil and Political Rights, and administrative procedures were under the control of the courts, as stipulated in Syrian law.

RAUL ROA KOURI (Cuba) told the representative of the International Confederation of Free Trade Unions that the revolution in Cuba fully respected trade unions and those who did not want to work were not forced to do so.

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